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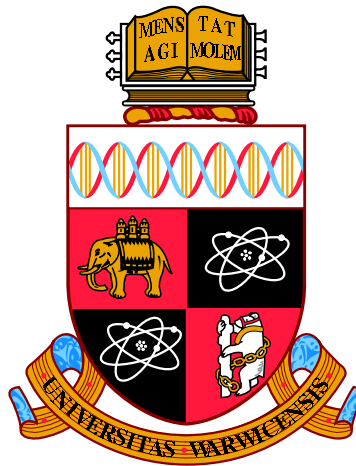
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Exporting Multicultural Citizenship and the case of Cyprus

by

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Thesis

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Declarations

I declare that this thesis has been entirely my own work and follows the guidelines provided in the Guide to Examinations for Higher Degrees by Research of the University of Warwick. The dissertation has not been submitted for a degree at another university and any errors within are entirely my own.

Abstract

This thesis examines how to export liberal theories of *Multicultural Citizenship* (MC) to post-violent conflict contexts, applying Kymlicka's theory of MC to the case of Cyprus. The thesis modifies Kymlicka's normative theory in order to make it applicable to contexts beyond those of its inception, focusing on cases where cultural identities are highly politicised and securitised. It provides a new theory of MC, a methodological approach for applying normative theories to different contexts, and a multicultural constitutional alternative for Cyprus.

To facilitate the modification of Kymlicka's MC and its application to Cyprus, the thesis develops a methodological approach called the *Reciprocal Model* (RM). The RM provides a systematic method for the re-examination of the fundamental assumptions of normative theories, using input from empirical cases. The RM also provides the conceptual tools for extracting policy-relevant suggestions from normative political theories.

Through an immanent critique of Kymlicka's theory of MC, a new multicultural theory is developed that has an internationally facilitated process of recognition at its core. The theory defended in this thesis adopts an ethnically-blind role for the state that dismisses reified notions of culture while also rejecting the exceptional treatment of cultural identities. It places culture on a level playing field with other individual identities and defends group-differentiated rights to minority groups on the grounds of equality of opportunity, replacing the autonomy-based defence of Kymlicka.

The revised theory of MC, advanced through the application of the RM to the case of Cyprus, allowed for the development of a constitutional model for Cyprus based on multicultural citizenship. The multicultural constitutional model is defended as an alternative to Bizonal Bicomunal Federation – the bicomunal constitutional model underpinning the negotiations for a comprehensive solution to the Cyprus problem.

Introduction

Multiculturalism has won, the defendants of multicultural policies say.¹ Since the emergence of the field in the late-1980s, considerations for the respect of diverse cultures have been embedded in the foundational documents of many states and some of the most important international organisations. The Lisbon Treaty of the European Union and the Charter of the United Nations both include considerations for diversity and cultural accommodation.² Advanced Western states like the US, UK, Australia, Germany, and Canada, have all provided group-differentiated rights

1. Will Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity* (Oxford: Oxford University Press, 2007), 120 explains that the “desecuritisation of ethnic relations, combined with the assurances provided by robust human rights protections, helps to explain why dominant groups in the West have accepted demands for multicultural reform.”

2. United Nations, *International Covenant On Civil And Political Rights*, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>, 16 December 1966; United Nations, *General Comment No 23 The Rights Of Minorities CCPR/C/21/Rev.1/Add.5*, <http://bit.ly/1y8PiYt>, 04 August 1994; United Nations, *Concluding Observations Of The Committee On Economic, Social And Cultural Rights E/C.12/1/Add.50*, <http://bit.ly/1rbffac>, 1 September 2000; United Nations, *UNDP and Indigenous Peoples: A Policy of Engagement*, http://www.undp.org/content/undp/en/home/librarypage/environment-energy/local_development/undp-and-indigenous-peoples-a-policy-of-engagement/, 1 June 2001; UNESCO, *Universal Declaration on Cultural Diversity*, <http://bit.ly/1vJHHkB>, 2 November 2001; UN Committee On The Elimination Of Racial Discrimination, *General Recommendation 23, Rights Of Indigenous Peoples HRI/GEN/1/Rev.6*, <http://www1.umn.edu/humanrts/gencomm/genrexxiii.htm>, 1997; European Union, *The Oslo Recommendations Regarding The Linguistic Rights Of National Minorities*, <http://www.osce.org/hcnm/67531>, 1 February 1998; European Union, *European Charter for Regional or Minority Languages*, 1992; European Union, *Conclusions Of European Council In Copenhagen*, http://ec.europa.eu/bulgaria/documents/abc/72921_en.pdf, 21-22 June 1993; European Union, *Guidelines On The Use Of Minority Languages In The Broadcast Media*, <http://www.osce.org/hcnm/32310>, 10 October 2003; Office for Official Publications of the European Communities, *Final Report: High Level Group on Multilingualism*, http://ec.europa.eu/education/policies/lang/doc/multireport_en.pdf, 2007.

to minority cultures, in the form of language-rights, exceptions from general laws, self-governmental rights, recognition of past injustices, and territorial rights.

Nevertheless, victory has been too hastily declared. A backlash against multiculturalism can be observed, even in countries that have been pioneers in the accommodation of diversity. The Prime Minister of the United Kingdom and the Chancellor of Germany rushed to proclaim that multiculturalism is “failed” and “dead” respectively;³ and in the United States, the aftermath of the New York attacks on the World Trade Centre saw the government initiating a “war on terror” that led to the marginalisation of the Muslim population of the country.⁴

Pioneers of liberal multiculturalism, like Will Kymlicka, have expeditiously declared the victory of multiculturalism in order to export liberal pluralism beyond the aforementioned countries.⁵ The on-going and synchronous multiculturally-related conflicts that take place around the world, generate a sense of urgency that drives the theorists, who are eager to provide the expertise needed to facilitate the resolution of the challenges of multiculturalism found beyond the archetypal examples of the West. The non-traditional examples are as diverse as they are urgent. Israel is using the apparatus of its state to create a nation where there was none, people living in the Crimea ask for independence, the Turkish-speaking population in Greece is ex-

3. David Cameron, *Speech at Munich Security Conference*, <http://www.number10.gov.uk/news/pms-speech-at-munich-security-conference/>, 5 February 2011; BBC, *State Multiculturalism has Failed, says David Cameron*, <http://www.bbc.co.uk/news/uk-politics-12371994>, 05 February 2011.

4. See Geneive Abdo, *Mecca and Main Street: Muslim Life In America After 9/11* (Oxford: Oxford University Press, 2006).

5. Kymlicka's work is found in these six books Will Kymlicka, *Liberalism, Community and Culture* (Oxford: Clarendon Press, 1989); Will Kymlicka, *Multicultural Citizenship: A Liberal Theory Of Minority Rights* (Oxford: Clarendon Press, 1995); Will Kymlicka, *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship* (Oxford: Oxford University Press, 2001); Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity*; Will Kymlicka and Magdalena Opalski, *Can Liberal Pluralism be Exported?: Western Political Theory and Ethnic Relations in Eastern Europe* (Oxford: Oxford University Press, 2001); Keith Banting and Will Kymlicka, *Multiculturalism and the Welfare State: Recognition and Redistribution in Contemporary Democracies* (Oxford: Oxford University Press, 2006).

cluded from the public sphere, young Muslim Britons go abroad to fight on the side of the Jihadists, and the international order resembles a video game where ethnic groups kill each other in the name of religion, land, honour, and history.

Alas, the finality of the success stories is not representative of the current state of multiculturalism and runs the risk of shifting the emphasis away from the theoretical challenges and towards the uncritical implementation of policies that were developed with different contexts in mind. Once victory is proclaimed the only question becomes “how best to export the successful practices of the ‘West’ to the foreign contexts?” The endeavour of exporting theories of Multicultural Citizenship (MC) beyond their dedicated contexts is driven by the false assumption that they will yield similar outcomes to those in the countries of their inception; a fallacy driven by the belief that theories of MC are exportable to alien contexts without the need for a ground-breaking reconsideration of their foundational principles and assumptions.

This thesis challenges the claim that multicultural issues are settled, the view that multiculturalism is failed and dead, and the premise that MC theory is ready to be exported to new contexts without first questioning the principles and implications of the established theories. It will be argued that the philosophers, theorists and political scientists who are interested in exporting liberal pluralism, should be wary of the different contexts and the problems present within them, and should not assume *a priori* that the experience of other cultures, and the standing of individuals within their societies, are the same as those that the dominant theories of multicultural citizenship address.

The most challenging contexts for the application of MC are those characterised by conflictual social relations, especially cases where the contention is driven by a chronic disagreement over the identities of the population and their rights over the land. This thesis will focus on post-violent conflict cases, and will utilise examples

from Cyprus, which is one such case, in order to problematise the uncritical application of liberal pluralism. Cyprus exhibits the typical conditions of post-violent conflict situations, where national, ethnic, religious, and linguistic identities are highly politicised. It is thus an interesting and challenging case for the application of MC. Cyprus is stable enough to allow for long-term planning and will be a new addition to the literature of exporting MC, which has been dominated either by examples of ex-Soviet countries that found themselves in difficult ethnocultural conundrums following the collapse of the Union, or by typical cases, like those of the Catalans and the Basques.

The theory whose exportability this thesis will assess is that of Will Kymlicka. *Multicultural Citizenship* was the first and most authoritative theory of liberal pluralism and the one most widely endorsed by philosophers, theorists and policy makers. The appeal of Kymlicka's theory of MC is not limited to its popularity but also to its author's explicit attempt to export the theory beyond the dedicated contexts whose challenges it originally addresses. Kymlicka's theory of MC became the bedrock against which competing theories of the same kind have been developed.⁶ As such, it was chosen as the framework for this thesis. The theory of MC defended in this thesis, which provides suggestions on how to export liberal pluralism, will be developed through a critical re-evaluation of Kymlicka's theory driven by three motivations: firstly, the need to formalise and systematise how to assess the policy-relevance of normative theories; secondly, the urgent need for a mechanism that will facilitate the recognition of minority cultures at the core of any theory of MC; and finally, the need to include additional safeguards to theories of MC in order to address the challenges that emerge from the securitisation of identities in post-violent

6. Kukathas developed his *Liberal Archipelago* as a response to Kymlicka's MC. See Chandran Kukathas, *The Liberal Archipelago: A Theory Of Diversity And Freedom* (Oxford: Oxford University Press, 2003)

conflict cases like Cyprus, where misrecognition is more prevalent.

The first motivation of the thesis is to provide a principled and detailed way by which to extract action-guidance from an ideal theory. The puzzle here is essentially how we might reach policy-relevant conclusions, known as action-guidance, from a theory that was developed using abstractions and hypotheticals that do not necessarily resonate with reality. The debate on ideal theory is usually advanced within the domain of theories of justice, where philosophers seek to describe what a perfectly just society would look like.⁷ Theories of MC face similar challenges because theorists working on multiculturalism, in a similar manner as theorists working on theories of justice, develop their arguments in abstraction of circumstances arising in actual societies in order to tease out the basic normative principles that should govern the distribution of group-differentiated rights amongst minority groups. They simplify how societies work, how cultures are constituted, how individuals relate to their cultures and other cultures, and how cultures interact with each other, in order to provide principled responses to the challenges of diversity faced by Western societies. Whereas there is an on-going debate on how to extract action-guidance from ideal theories of justice, this debate does not extend to MC, and this thesis will fill that void.

In this thesis, a new methodological approach to the puzzle of extracting

7. For the debate within the context of theories of justice see Onora O'Neill, "Abstraction, Idealization and Ideology in Ethics," in *Moral Philosophy And Contemporary Problems*, ed. J.D.G. Evans (Cambridge: Cambridge University Press, 1988), 55–69; Charles W. Mills, "Ideal Theory' As Ideology," *Hypatia* 20, no. 3 (2005): 165–184; Robert Goodin, "Political Ideals and Political Practice," *British Journal of Political Science* 25, no. 1 (1995): 37–56; Colin Farrelly, "Justice in Ideal Theory: A Refutation," *Political Studies* 55 (2007): 844–864; Ingrid Robeyns, "Ideal Theory In Theory And Practice," *Social Theory and Practice* 34, no. 3 (2008): 341–362; Zofia Stemplowska, "What's Ideal About Ideal-Theory," *Social Theory And Practice* 34, no. 3 (2008): 319–340; Adam Swift, "The Value of Philosophy in Nonideal Circumstances," *Social Theory and Practice* 34, no. 3 (2008): 363–387; Laura Valentini, "On The Apparent Paradox Of Ideal-Theory," *The Journal of Political Philosophy* 17, no. 3 (2009): 332–355; Holly Lawford-Smith, "Debate: Ideal Theory – A Reply to Valentini," *The Journal of Political Philosophy* 18, no. 3 (2010): 357–368; Adam Swift and Zofia Stemplowska, "Rawls On Ideal And Nonideal Theory," in *A Companion to Rawls*, ed. Jon Mandle Reidy and David A. (Wiley-Blackwell, 2014).

action-guidance from theories of MC is provided with step-by-step directions on how the transition from ideal to non-ideal level works. This approach, which I call the *Reciprocal Model* (RM), is novel because it is the first model to allow for empirical observations to influence the principles of an ideal theory, instead of merely limiting the applicability of an ideal theory. It is through the use of the *Reciprocal Model* that the examination of MC in relation to Cyprus and other post-violent conflict situations will take place. As such, the RM systematises and provides the means with which MC can be exported beyond its dedicated contexts and applied to difficult non-ideal situations.

The second motivation derives from the application of the *Reciprocal Model*. Upon application, misrecognition is diagnosed as one of the core hindrances in the process of successfully exporting MC. The success of exporting MC depends on the implementation of a process of recognition at the core of every multicultural theory. This conclusion rests on the realisation that the rights that minority groups are eligible for, depend on their initial classification at a pre-political level, prior to the deliberation between majority and minority cultures. As it will be evident through the application of the RM to the process of exporting MC, a theory of recognition is needed; one that functions prior to, and is at the core of any discussion of group-differentiated rights, and one that provides a mechanism that ensures that all cultures take part in the process of their initial classification which happens prior to deliberation, guaranteeing that their voice will be suitably amplified in order for their demands to be heard. As it will be evidently observed through the *Reciprocal Model*, in countries like Cyprus minority cultures depend on the members of the majority culture for their classification because the latter are typically in control of the structures of the state. As such, the identities of minorities are filtered through the identities of the dominant societal culture. It is only when the minority identities

do not challenge the security of the dominant culture that they are likely to avoid misrecognition.

In this thesis, a mechanism of recognition is defended (one that functions within, or under, the supervision of established intergovernmental institutions, such as the United Nations or the European Union) in order to ensure that the process is unbiased, and that the members of minority cultures are not forced to structure and modify their claims and identities in accordance to what the members of the majority culture will likely accept. The only way to avoid misrecognition is by controlling the process by which majority cultures end up misclassifying minorities who challenge their identities, and this can only be achieved through a consensus on an external arbitration authority, which will make sure that certain preconditions to deliberation are safeguarded and guaranteed.

The third motivation of this thesis derives from the second, and rests on the premise that misrecognition is a far more likely practice and outcome in post-violent conflict situations where national identities are a highly-securitised matter and where constitutional rights are established on the basis of ethnic identities. To this end, in order to examine how misrecognition occurs in such circumstances, the example of Cyprus is used throughout the thesis. In Cyprus a new constitution is debated and misrecognition can be traced and demonstrated both historically and in the constitution under negotiation. Moreover, the case of Cyprus presents challenges common to post-violent conflict situations, making it a very useful case-study for testing the exportability of liberal multicultural theories.

Reflecting upon how MC can be applied to Cyprus, additional considerations that need to be taken into account are introduced. It is demonstrated how, in the absence of further theorising, the process of incorporating liberal multicultural policies in post-violent conflict contexts risks enhancing the problems that these the-

ories seek to address because minorities are denied the right to voice their demand, given that the demands of each culture are conditioned by their initial classification – for instance, contrary to a religious association, a national minority can make demands for self-governmental rights, and contrary to a national minority, an immigrant group can only ask for rights pertaining to the process of their integration. In Cyprus one can find Roma which have been excluded from the process of negotiation of the new constitution; Maronites who speak a language indigenous to Cyprus and protected by UNESCO, which nevertheless was not recognised by the Republic of Cyprus; and, most interestingly, various national minorities – Armenians, Latins, Maronites – who are identified as such, yet they are treated as religious associations, either because they lack a motherland (ethnic attachment), or because their ethnic identities challenge the security of the Greek-Cypriot dominant societal culture. Finally, the case of Cyprus introduces a further distinction, not usually present in the Western examples, where a national minority can have both a dominant and a minority status.

This thesis provides novel contributions to four domains of research. The first is a contribution to normative political theory, and in particular in the theorisation of ideal and non-ideal theory, where a systematic account that formalises the process of extracting action-guidance from ideal theories is developed. The *Reciprocal Model* provides the means to evaluate the applicability of a theory, and the tools to modify a theory so that it can be exported beyond its intended contexts of application.

The second domain is that of liberal multiculturalism. The examination of Kymlicka and Kukathas' theories in light of the *Reciprocal Model* provide insights into the socialisation of individuals within their cultures and in relation to the identities pertaining to their culture, promoting a non-essentialist conception that dispenses with holistic and homogenising definitions. Moreover, the defence of civic rather

than ethnic citizenship adds to previous work in the field by providing practical suggestions of how the liberal state should handle ethnic identities. Finally, the defence of an equality-based argument in support of group-differentiated rights to minority cultures provides an alternative to Kymlicka's autonomy-based defence, alleviating minorities from the burden of proof of the value of their cultural context.

The third domain to which this thesis is contributing is Cyprus, where the model of bicommunal constitutionalism used since the 1960s is challenged in favour of an alternative constitutional model that dispenses with notions of cultural exceptionalism. Negotiations for a solution to the Cyprus problem between the leaders of the GC and TC communities were suspended in October demonstrating once again the stalemate that has existed since the rejection of the Annan Plan in 2004. The alternative constitutional model presented in chapter 7, provides a radically different basis for the negotiations for the comprehensive solution to the Cyprus problem.

A secondary contribution is made towards the fields of security studies and international relations. The illustration of the dynamics of misrecognition that can silence minorities, along with the emphasis for the need for an inclusive process of recognition at the core of any theory of liberal pluralism, provide guidance to the role that intergovernmental organisations need to play in upholding their commitment to diversity. In doing so the means are provided by which to introduce liberal pluralism to post-violent conflict countries whose national identities are a securitised issue that generates political contestation.

This thesis is divided into eight chapters, which address the literature of multiculturalism, with added emphasis on the recent attempts to export MC in other contexts; followed by a methodological discussion on how these theories can apply to contexts beyond those of their inception, providing the means by which to assess the exportability of the dominant theories; and in the final chapters, an alternative

model of multicultural citizenship is provided out of a sympathetic criticism of Kymlicka's authoritative multicultural theory.

The first three chapters are preoccupied with liberal multiculturalism in theoretical terms in order to provide the foundations for the subsequent discussion on how to export MC in post-violent conflict countries like Cyprus. In chapter 1, Kymlicka's theory of *Multicultural Citizenship* is outlined. His defence of autonomy is presented. He argues that the liberal state is ethnoculturally biased in favour of the dominant societal culture. Minority groups need assistance from the state in order to protect their culture, which provides a context-of-choice for them. Without access to a stable cultural structure, individuals are not able to make autonomous choices and therefore culture should be considered a primary good. Once Kymlicka's MC is outlined, then its evolution over the years is traced: how Kymlicka responded to his critics, and how in recent years he attempted to export his theory beyond the countries of the West.

In chapter 2 the theoretical underpinnings of liberal multiculturalism are discussed in order to understand the emergence of MC, the problems it addresses, and the contexts within which it was developed. Kymlicka's MC is presented as the successor of liberal nationalism. The remaining chapter is focused on explaining the theoretical differences and similarities between the two. The main premises of liberal nationalism are firstly outlined: that the individual is a situated being and that membership to an ethnic nation does not differ to the citizenship of a liberal state. The dichotomy between ethnic cultures as involuntary communities of fate, and liberal states as voluntary contractual associations is thus challenged. The aim of this chapter is to dispense with two competing narratives about liberal multiculturalism: the first that liberal multiculturalism rejects nationality altogether, and the second, that liberal multiculturalism bears almost no difference to liberal nationalism. Lib-

eral multiculturalism is presented as the culmination of the two, where liberal values can only be promoted and protected after appropriate measures are taken to counteract the cultural bias of the liberal state, which promotes the social values of the dominant societal culture and thus has a hidden nationalist agenda.

In chapter 3 the relationship between liberal nationalism and liberal multiculturalism is further explored. Initially the theoretical premises of liberal nationalists are presented and particularly their rejection of liberal principles of justice in favour of what they call the “morality of the community.” The account of justice they reject, provided by John Rawls in his *A Theory of Justice*, is subsequently outlined. This chapter explains how Kymlicka’s theory of MC incorporates elements of both liberal nationalism and liberal multiculturalism. Kymlicka’s commitment to liberal autonomy, which relies on an endorsement of the Millian conception of freedom, is explored, and this lays the foundations for an exposition and evaluation of three key objections to his theory that have been developed in the critical literature. The first objection pertains to his account of agency. According to this line of critique, Kymlicka falsely treats individual agency as synonymous to change. The second objection is that Kymlicka’s reluctance to apply the Rawlsian principles of justice to ethnocultural groups, results in the toleration of various oppressive practices against individuals within their cultures. The third objection accuses Kymlicka of exactly the opposite malice, namely, that Kymlicka’s commitment to liberal autonomy makes him too eager to justify interventions into minority cultures, thus altering the identities of such groups.

Once the theoretical origins and debates pertaining to MC have been addressed, a methodological discussion takes place in chapter 4. Chapter 4 provides a systematic understanding of how to extract policy-relevant suggestions from ideal theories, and how to evaluate their ability to provide action-guidance for the pur-

poses of policy-making. The main debates in ideal/non-ideal theory are presented, in order to subsequently engage with the two most attractive accounts of ideal to non-ideal transition; that of Andrew Mason and Laura Valentini. Once the two accounts are presented, a new method is outlined and defended. The novel methodological approach advocated in chapter 4 is called the *Reciprocal Model* and details how theorists and scientists can extract useful practical suggestions from ideal theories.

Ideal theories use abstractions to simplify and make reality manageable, as well as abstract thought experiments to tease out the principles at play in each challenging situation. The *Reciprocal Model* emphasises the need to open ideal theories to evaluation using empirical considerations. Not only does it provide the tools to assess whether a theory can be applied to certain cases, but it also explains how different contexts can alter the foundational principles and fundamental assumptions of a theory. The concession that the fundamental assumptions of a theory can be altered in lieu of the context to which it applies, opens new avenues where theories like that of Kymlicka's MC, which are developed with specific contexts in mind, can be applied to other cases beyond those of their inception, contexts like Cyprus, which face post-violent conflict and security-related challenges.

In chapter 5 the case of Cyprus is presented. The aim of the chapter is to provide the necessary information for the subsequent application of MC to it. The challenges of diversity present in Cyprus differ considerably from the mainstream examples that dominant theories of MC apply to, but are remarkably similar to the challenges faced by other countries that have recently faced conflict and whose national identities are intertwined with security considerations. To this end, the historical evolution of the identities of the different cultures of the island is presented. Particular emphasis is given to how different cultures fare under the constitution established in 1960, and on how the two largest cultural groups – the Greek- and

Turkish-Cypriots – followed identical and competing nation-building practices after the division established following the Turkish invasion of 1974. Most importantly, chapter 5 presents the history of the minorities living in the country and the historical injustices that they have suffered through the practice of misrecognition.

In chapter 6, the information presented in the previous two chapters – the *Reciprocal Model* and the case of Cyprus – are combined to examine how liberal pluralism can be applied to contexts beyond those that the authors of the theories intended. In chapter 6, three different arguments are promoted: the first against the essentialism of culture, the second in favour of equality-based justifications for group-differentiated rights, and the third in favour of a more inclusive system of cultural recognition.

The first argument turns on an analysis of how theorists conceptualise culture. Different definitions of culture in relation to the *Reciprocal Model* are examined, in order to explain how Kymlicka is, at times, employing an essentialist, holistic and homogenising notion of culture. Once his conceptualisation of culture is challenged, MC is re-evaluated. His view that culture provides a comprehensive context-of-choice for all becomes the epitome of the first criticism. It is argued that an equality-based justification for group-differentiated rights to minority cultures is preferable over the autonomy-based defence that Kymlicka provides. Following the evaluation of Kymlicka's principles, along with the criticism of his conceptualisation of culture, the discussion proceeds to his tripartite typology of culture, where groups are classified into national minorities, immigrant groups and aboriginal people. The argument defended is that his classification of cultural groups can lead to the misrecognition and subsequent oppression of minority cultures that do not fit within the pre-established typology.

The second argument turns on examples of misrecognition found in Cyprus

to demonstrate in practical terms how misrecognition functions, and how it adversely affects minority cultures. The case of the Cypriot Roma who have been erased from Cypriot history is discussed, along with how Armenians, Maronites and Latins in Cyprus are treated as constitutionally inferior to the Turkish Cypriots and finally, how the process of recognition is driven by, and relies upon, the judgement of the dominant societal culture. In light of this, a new process of recognition is suggested and defended; one that resonates at the level of international institutions.

The third argument defends a new model of citizenship that diverges from the orthodoxy of liberal multiculturalism, where ethnic identities are relevant to the state. Three alternatives are considered: to abandon ethnicity, to thin out and formalise the bundle of identities that form an ethnic whole or, finally, to extend that bundle to include more contemporary identities. The chapter concludes with supporting the first option, which favours the abandonment of ethnic nationalism in favour of civic nationalism.

In chapter 7 the theoretical model defended in chapter 6 is applied to Cyprus to demonstrate how multicultural citizenship can replace bicomunal constitutionalism. The chapter distinguishes civic from ethnic conception of Greek-Cypriot identity to illustrate how individuals who are not ethnic members are oppressed as civic members of the GC culture. To this end, multicultural citizenship is defended as the constitutional basis for the solution to the Cyprus problem, which will replace Bizonal Bicomunal Federation – the constitutional framework that led to the post-2004 stalemate in the negotiations. It is demonstrated how multicultural constitutionalism removes the main issues of contestation from the domain of the constitution whilst retaining the core characteristics of BBF; namely, the federal state with self-governmental and territorial rights to minority groups. Finally, the current involvement of Intergovernmental Organisations is evaluated and suggestions are

provided on how the EU and the UN can modify their practices to better facilitate the negotiations for a comprehensive solution to the Cyprus problem based on the values of liberal pluralism.

Chapter 1

Multicultural Citizenship

Will Kymlicka was the first to create a complete theory of multicultural citizenship that engages with abstract theoretical concepts like autonomy, toleration and freedom, and provides policy-relevant suggestions for the promotion of group-differentiated rights for the members of national minorities, immigrant groups and indigenous peoples. Kymlicka's theory is important because it is a liberal defence of multiculturalism, whose impact ranges beyond the academic community, since it has been incorporated into the Canadian national policy and has been discussed at the international level at the United Nations and the European Union.

Kymlicka's work is divided into three periods: the original publication of his theory in 1995, the period of responding to those who criticised his theory, and finally, his most recent policy-oriented focus on exporting multiculturalism outside the traditional Western contexts. In this chapter, the three different periods will be explored in three different sections, in order to provide the theoretical context of Kymlicka's work on multiculturalism to which this thesis is responding.

Kymlicka's theory will become the framework upon which the alternative theory that will be defended in this thesis will be based upon. Once Kymlicka's theory

is presented and its theoretical underpinnings analysed, its assumptions in regards with its exportability in non-traditional contexts will be challenged,¹ to tease out what exactly needs to be reconsidered prior to such application. To this end, the case of Cyprus will be used to test the applicability of MC to post-violent conflict situations.

1.1 The Initial Theory of Multicultural Citizenship

1.1.1 Situating the Theory Historically

Kymlicka divides the evolution of the theorisation of multiculturalism into three stages.² During the first stage, minority rights were defended on communitarian terms and multiculturalism was discussed in contrast to liberalism. Liberalism, according to communitarians like Vernon Van Dyke, is based on atomistic individualism, which contradicts the culturally embedded view that communitarians maintain.³ The second stage was when minority rights were first debated within the liberal framework. Theorists like Jeff Spinner-Halev, Yael Tamir and David Miller attempted to reconcile nationalism and liberalism, trying to explain the importance and the limits of nationalism within the liberal state.⁴ During this second stage, Kymlicka's theory emerged, following Joseph Raz, who similarly to Kymlicka argued that indi-

1. Non-traditionally Western, in this context, refers to areas outside the US, UK, Canada, Australia, France and Germany, that these theories typically address.

2. Will Kymlicka, "The New Debate Over Minority Rights," in *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship* (Oxford: Oxford University Press, 2001), 17–38.

3. Vernon Van Dyke, "The Individual, The State, And Ethnic Communities In Political Theory," *World Politics* 29, no. 3 (1977): 343–369.

4. Yael Tamir, *Liberal Nationalism* (Princeton: Princeton University Press, 1993); Jeff Spinner-Halev, *The Boundaries Of Citizenship: Race, Ethnicity, And Nationality In The Liberal State* (London: Johns Hopkins University Press, 1994); David Miller, *On Nationality* (Oxford: Clarendon Press, 1995).

viduals need access to their culture in order to form autonomous choices.⁵ Kymlicka's book-long theory, *Multicultural Citizenship*, moved the debate to the third stage, where the ethnocultural neutrality of the liberal state was challenged.

Using liberal arguments, Kymlicka supported group-rights for minority cultures based on a new conception of the state, which he calls "the 'nation-building' model." According to Kymlicka's model, the state has *positive* duties towards minority cultures; it has a duty to allocate resources for the promotion of their cultures, in the same way that it promotes the culture of the dominant majority group.

1.1.2 Exposition of the Theory

The nation is a "historical community, more or less institutionally complete, occupying a given territory or homeland sharing a distinct language and culture."⁶ The modern state is often multinational since it consists of more than one group with a distinctive national identity. These additional groups are called national minorities and are disadvantaged in comparison to the dominant majority culture, since the state, contrary to the contemporary liberal assumption of cultural neutrality, is ethnoculturally biased in favour of the dominant societal culture.

Kymlicka, promotes group rights for the purposes of cultural accommodation, since the maintenance of culture as context-of-choice is pivotal to individual autonomy. Therefore, his theory of MC is a liberal one, since it is justified on the grounds of freedom of conscience that treats autonomy as the "most basic liberal right."⁷ Autonomy according to Kymlicka, is the ability to acknowledge and revise

5. Joseph Raz, *Ethics In The Public Domain: Essays In The Morality Of Law And Politics* (Oxford: Clarendon Press, 1994).

6. Will Kymlicka, *Multicultural Citizenship: A Liberal Theory Of Minority Rights* (Oxford: Clarendon Press, 1995), 11.

7. *ibid.*, 26.

one's beliefs and convictions. In this context, culture is the structure whose translational abilities provide meaning to the world. Hence, the existence of many cultures as vehicles of interpretation, does not threaten the solidarity of the modern state, since nationality is detached from patriotism and patriotism is defined as a shared commitment to diversity, rather than as a product of "a common national identity."⁸

In order to grasp the complexities of cultural pluralism, Kymlicka distinguishes immigrants from national minorities. Immigrants, in so far as they have voluntarily entered the country, are expected to "participate within the public institutions of the dominant culture" and they are not "asking for a parallel society."⁹ The demands they put forward to the host state, are claims for recognition of their cultural particularity in order to integrate better into the society. National minorities on the other hand, often articulate demands for political or territorial autonomy.

The group-differentiated rights that Kymlicka promotes are self-governmental rights, polyethnic rights and special representation rights. Self governmental rights are answers to claims put forward by national minorities who ask for "political autonomy or territorial jurisdiction"; polyethnic rights are responses to demands articulated by immigrant groups and can take the form of anti-racism policies like modification of the educational curricula, funding, and exemptions from the law; and finally, special representation rights are seen as "corollary to self-governmental rights" and are utilised in order to counterbalance the historical exclusion that members of disadvantaged groups experience.¹⁰

In order to ensure that individuals enjoy freedom of conscience, Kymlicka suggests that the liberal state should support external protections to minority cul-

8. Kymlicka, *Multicultural Citizenship*, 13.

9. *ibid.*, 14-15.

10. *ibid.*, 27, 32.

tures and at the same time reject internal restrictions.¹¹ By supporting external protections, the state must take action in order to ensure that the group is not treated disadvantageously at the inter-group level. In the same way, the guarantee that no internal restrictions take place, is to make sure that the basic liberties and freedoms of individuals at the intra-group level are secured as well.¹²

In defending his theory, Kymlicka introduces a modern twist to traditional liberal arguments, demonstrating that group rights are not a threat to national consensus or individual freedom. His argument is that group rights are justified based on liberal principles, since liberalism should not be (and has not been) restricted to universal individual rights, as it is often uncritically assumed. Kymlicka advances his theory by utilising John Stuart Mill's argument in favour of solidarity through national homogeneity and traces its evolution within the liberal (and socialist) literature in order to identify the roots of the commonly-held liberal view against group-differentiated rights.¹³ He outlines three sources of discontent: firstly, "a realpolitik fear for international peace," secondly, "a commitment to racial equality," and thirdly, "a worry about the escalating demands of immigrant groups."¹⁴ Kymlicka's response to these worries is that "ethnic revival involves a revision in terms of integration, not a rejection of integration" and therefore, national and ethnic recognition are not sources of division, but rather means for better integration on the grounds of equality rather than on the grounds of assimilation.¹⁵

In order to avoid assimilation, cultural membership must be maintained, since culture is the structure within which a person is able to live a good life. A good life, according to Kymlicka, is not restricted to freedom of choice, but rather

11. Kymlicka, *Multicultural Citizenship*, 37.

12. *ibid.*, 35-36.

13. *ibid.*, 52.

14. *ibid.*, 68.

15. *ibid.*, 67.

is defined as the life that reflects one's interests, beliefs and desires, all of which are open to reconsideration and revision.¹⁶ Therefore, Kymlicka aligns cultural accommodation with traditional liberal principles like freedom of expression, association, autonomy, and information.¹⁷ Cultural membership is so important, because it "provides meaningful options" and also "affects how others perceive and respond to us."¹⁸ Moreover, culture as a source of identification is more secure because it depends on "belonging and not [on] achievement," and is directly related to our self-esteem and dignity. Hence, "as long as polyethnic rights to immigrants and self-governmental rights to national minorities secure access to a societal culture, then they contribute to individual freedom."¹⁹

Kymlicka places special emphasis on language, in order to demonstrate that the policy of "benign neglect" is neither realistic nor practically plausible, since either deliberately or by implication, the state is bound to support one specific societal culture through the use of its language in public documents and institutions. Even if the institutions of the state seem to be neutral, the ethnocultural background of the national majority will be reflected in its decisions, leaving the members of minority cultures exposed to the will of the majority.²⁰

Cultural minorities according to Kymlicka have a legitimate claim for group representation under two conditions: firstly, they must experience historical and structural disadvantage, and secondly, they need to demonstrate that their claim for self-government reflects the will of their members.²¹ The kind of representation varies; it can either be mirror representation, where the group is represented by some

16. Kymlicka, *Multicultural Citizenship*, 81.

17. *ibid.*, 84.

18. *ibid.*, 89.

19. *ibid.*, 101.

20. *ibid.*, 113.

21. *ibid.*

of its members as is the case with women who are often guaranteed 50 per cent proportional representation, or it can be like the case of Maori whose representatives do not necessarily need to be Maori, as long as they are accountable to the Maori voters.²²

Along the discussion of group representation comes the discussion of autonomy and illiberal cultures. The worry is expressed as follows: what if minority cultures do not want more rights, but rather want to be left alone? In other words, what if these cultural groups ask for tolerance rather than autonomy. Even more worryingly, how should the liberal state react to an illiberal culture that restricts its members' individual freedoms?²³

In reply to these worries, Kymlicka argues that the principle of autonomy should be defended at all venues, public and private, political or civil, because it is autonomy that makes liberal tolerance possible. As he claims, "what distinguishes liberal tolerance is precisely its commitment to autonomy; that is, the idea that individuals should be free to assess and potentially revise their existing ends."²⁴ Therefore, he promotes a comprehensive account of autonomy, similar to the one supported by Mill rather than the one put forward by Rawls. Contrary to Rawls who treats autonomy as fundamental only at the political level, Kymlicka promotes autonomy as a value that must be endorsed at all the venues of human interaction.²⁵

Even though Kymlicka is not willing to drop his commitment to autonomy, he is not eager to justify intervention into minority cultures. The promotion of autonomy or the abolition of illiberal and oppressive traditions is not a justifiable reason to intervene, he argues.²⁶ Liberal countries should treat illiberal cultures in the

22. Kymlicka, *Multicultural Citizenship*, 149.

23. *ibid.*, 153-155.

24. *ibid.*, 158.

25. *ibid.*, 162.

26. *ibid.*, 167.

same ways as they treat countries whose laws are illiberal. Just as a foreign country does not intervene in another country that might have oppressive laws, so should the liberal state abstain from intervening in cultures whose practices are deemed as illiberal by the majority.²⁷ Instead, the liberal state must provide incentives for liberalisation and integration, through deliberation and cooperation. This should not be taken to its logical extreme, since intervention is not absolutely forbidden; rather, it is justified only in “gross and systematic violation of human rights, such as slavery or genocide or mass torture and expulsions, just as these are grounds for intervening in foreign countries.”²⁸

It is by now evident that Kymlicka is well aware of the fact that groups might have different conceptions of the good life upon which it is impossible to ground social unity.²⁹ He also acknowledges that a shared commitment to political values is not enough to settle the worries expressed by Mill and more recently by David Miller, about the need for a common identity as a source of social unity. In response to these worries Kymlicka proposes a theory of MC based on Taylor’s understanding of “‘deep diversity’ where citizens must ‘not only respect diversity, but also respect diversity of approaches to diversity’”.³⁰

For Kymlicka, neither secession nor assimilation is an option. In the case of secession, the challenges of diversity are maintained since the newly created groups rather than being homogenous, are rearranged entities that encompass within them the same problems that existed prior to the division; and cultural assimilation is not an option either, since as empirical data shows, cultural groups have been historically resistant to assimilation despite the variety of culturally imperialist forces that

27. Kymlicka, *Multicultural Citizenship*, 168.

28. *ibid.*, 169.

29. *ibid.*, 187.

30. *ibid.*, 189-190.

were utilised for their assimilation.³¹ Additionally, as Kymlicka suggests, assimilation is counterproductive, especially in the case of immigrants, since their integration to the host country's society is smoother and faster if their ethnic particularity is recognised.

1.2 Kymlicka Responds to Criticisms

Kymlicka's *Multicultural Citizenship* became a point of reference within the theorisation of multiculturalism and any competing or revisionist theory, was advanced as a commentary or as a response to Kymlicka's book. The most notable example is Chandran Kukathas' *Liberal Archipelago*,³² a refutation of group-differentiated rights, which was mainly written as a response to Kymlicka. As a result, Kymlicka spent the next years following the publication of his multicultural theory, responding to his critiques. The most important responses have been collected in an edited book titled *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship*, which was published in 2001.³³ During this intermediate period between 1995 and 2001, Kymlicka articulated his understanding of the role of the state in the multicultural era more clearly, and provided a more detailed explanation of the function and importance of 'societal culture.' Moreover, he responded to critics who challenged his insistence on liberal values, his categorisation of cultures, his unwillingness to embrace cosmopolitanism and his reluctance to bestow ethnocultural justice upon the Human Rights project.

It is necessary to examine the fine details of Kymlicka's theory, especially with

31. Kymlicka, *Multicultural Citizenship*, 191.

32. Chandran Kukathas, *The Liberal Archipelago: A Theory Of Diversity And Freedom* (Oxford: Oxford University Press, 2003).

33. Will Kymlicka, *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship* (Oxford: Oxford University Press, 2001).

regards to how he defines societal culture, how he conceptualizes cultures, and how his project relates to human rights. The latter is of particular importance, because in chapter 6 it will be argued that the United Nations should become the facilitator of a fair process of recognition for minority groups. The case of Armenians, Latins, Maronites and Roma found in Cyprus, will be used throughout the last three chapters (5-7) to demonstrate how misrecognition can deprive cultures of rights at a pre-deliberative state, thus placing them at an impossibly disadvantageous state during the democratic exchange of reasons for the cultural claims that they make.

1.2.1 Societal Culture

Kymlicka's response to his critiques was constructed around the defence of the importance of "societal culture," which he treats as central to individual autonomy and as the bedrock of liberalism. A societal culture, according to Kymlicka, is

a set of institutions, covering both public and private life, with a common language, which has historically developed over time on a given territory, which provides people with a range of choices about how to lead their lives.³⁴

In order for the members of non-dominant cultures to have access to their societal culture, the state must go beyond merely protecting the minority culture from being assimilated into the dominant majority. Rather, it must sponsor an alternative nation-building on behalf of the minority culture. This means that the minority culture "must use the same tools that the majority nation uses in its program of nation-building"; tools like "standardised public education" and "language requirements for

34. Will Kymlicka, "Do we Need a Liberal Theory of Minority Rights? Reply to Carens, Young, Parekh, and Forst," in *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship* (Oxford: Oxford University Press, 2001), 53.

citizenship.”³⁵

Ronald Dworkin described societal cultures as associations of people who share a common “vocabulary of tradition and convention” that underpins every aspect of their social engagement and personal evaluation. Without access to societal culture, people are left myopic, since they lack the spectacles needed to see the world and appreciate or evaluate the options available to them.³⁶

Kymlicka employed the concept of societal culture in response to his cosmopolitan critics, to explain why he does not believe that the vision of one unified and global culture is possible. Cosmopolitans, he explains, are mostly liberals who are “almost by definition, people who regret the privileging of national-identities in political life, and who reject the principle that political arrangements should be ordered in such a way as to reflect and protect national identities.”³⁷ Kymlicka explains that it is precisely the importance of one’s *own* culture that liberals and cosmopolitans ignored. Liberals in general and cosmopolitans in particular, cannot explain why national minorities are so passionately trying to “maintain themselves as separate and self-governing societies.”³⁸ According to the “cosmopolitan alternative” hypothesis that cosmopolitan theorists like Condorcet advanced, the only logical outcome of the increasingly interconnected world would be the emergence of a global culture, which would undermine national and other “old” identities. Nonetheless, this is not the case, since national minorities are fighting hard to maintain their particularities whilst at the same time they reform their cultures. Change for national minorities takes place from within and their national cultures are not abolished in favour of

35. Will Kymlicka, “The Theory and Practice of Immigrant Multiculturalism,” in *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship* (Oxford: Oxford University Press, 2001), 153.

36. Ronald Dworkin, *A Matter of Principle* (London: Harvard University Press, 1985), 231.

37. Will Kymlicka, “From Enlightenment Cosmopolitanism to Liberal Nationalism,” in *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship* (Oxford: Oxford University Press, 2001), 209.

38. *ibid.*, p.207.

an emerging global culture. Culture as a content changes and adapts to the realities of the world, but culture as a structure remains solid and strong, refuting the “cosmopolitan alternative” hypothesis.

This resilience of national minorities cannot be explained by traditional liberal literature because liberals, Kymlicka argues, have mistakenly differentiated between civic and ethnic nationalism, promoting the former as opposite to the latter, suggesting that civic nationality is “forward looking” whilst ethnic nationality “backward looking.”³⁹ In effect, scholars like Pfaff and Ignatief “treat nationalism as a matter of either political principle (civic nationalism) or ethnic decent (ethnic nationalism)”⁴⁰ failing to examine and account for the dynamics of the relationship between state and culture, since they reject a priori any possible coexistence of liberalism and nationalism. This is so, because they consider the state as an ethnically neutral institution that is based on “democratic principles, without supporting a particular identity or culture,” hence providing no room for the explanation of “why national minorities are so keen on forming or maintaining political units in which they are a majority?”⁴¹ The traditional liberal explanation is that national minorities are backward cultures that want to sustain an authentic and exclusionary vision of their ethnic identity. Liberals therefore fail to account for all those national minorities who are not backward-thinking and who re-evaluate their traditional doctrines by reforming their internal structures. This shortcoming of liberal literature is traced back to the failure of liberal scholars to account for the significance of societal culture.

39. Will Kymlicka, “Misunderstanding Nationalism,” in *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship* (Oxford: Oxford University Press, 2001), 245.

40. *ibid.*, 247.

41. *ibid.*, 253.

In §6.5 Kymlicka's challenge towards Ignatief – that the distinction between civic and ethnic nationalism is counterproductive because it assumes the possibility of an ethnically neutral liberal state – will be revisited, in support of an alternative formulation in favour of civic nationalism, but with provisions that control for the ethnic bias of the liberal state. One that only treats civic identities as important, but distributes additional rights to minority cultures based on the exceptional treatment that ethnic majorities receive in a given state. This view is juxtaposed with two alternative conceptions of citizenship, one with an extended-view of ethnicity and one with a restricted view, both of which are rejected by the end of the chapter. In chapter 7, the model of nationalism supported is elaborated upon, and it is demonstrated how it can fit within the currently negotiated constitutional framework in Cyprus.

1.2.2 *Liberal Multiculturalism and Categorisation of Culture*

The employment of the concept of societal culture as a liberal justification for group-rights has attracted the criticism of theorists like Bhikhu Parekh who is himself one of the proponents of multicultural accommodation. Parekh questions Kymlicka's insistence on liberalism being the universal value-system upon which multiculturalism ought to rely. He argues that most ethnocultural groups in the West are non-liberal and as such, if any immigrant cultures are to share liberal values as Kymlicka maintains, then they would by definition be integrated, and by extension, any further multicultural accommodation would be redundant.⁴² Kymlicka disputes Parekh's claim that the core of the multicultural conflict is between liberal and non-liberal ways of life. "There is no evidence," he argues, "that the convergences on liberal values be-

42. Bhikhu Parekh, "Dilemmas of a Multicultural Theory of Citizenship," *Constellations* 4, no. 1 (1997): 54–62; Kymlicka, "Do we Need a Liberal Theory of Minority Rights? Reply to Carens, Young, Parekh, and Forst," 60. Parekh's theory can be found in Bhikhu Parekh, *Rethinking Multiculturalism: Cultural Diversity And Political Theory*, 2nd (Basingstoke: Palgrave Macmillan, 2006).

tween majorities and minorities has diminished in any way the level or intensity of conflicts over the accommodation of ethnocultural differences.”⁴³ In fact, “for better or worse, the heart of multiculturalism in the West is about how to interpret liberal democratic principles, not about whether those principles are legitimate.”

Kymlicka treats national groups and immigrant cultures differently, despite the fact that they are both under the same threat of assimilation by the dominant culture, whose interests, values, traditions and history are maintained and promoted by the institutions of the liberal state. This paradox attracted Iris Marion Young’s attention, who criticised Kymlicka for being “too categorical.” That is, Kymlicka was accused of being too hung up upon his lenient division of the society into national cultures, immigrant groups and aboriginal peoples.⁴⁴ Kymlicka therefore had to provide justifications for two objections: firstly, why did he insist on the categories in the first place, and secondly, why did he argue that each cultural category is entitled to different rights?⁴⁵

In response to the first objection, he agreed with Young by saying that “there are many cases of ethnocultural groups that do not fit into the two categories of legal/naturalised immigrants and national minorities.”⁴⁶ Nonetheless, his theory is based on this dichotomy since the two categories – immigrant and non-immigrant cultures – receive different treatment. The reason for suggesting that each cultural category must receive differential treatment is explained in relation to the different

43. Kymlicka, “Do we Need a Liberal Theory of Minority Rights? Reply to Carens, Young, Parekh, and Forst,” 60.

44. Iris Marion Young, “A Multicultural Continuum: A Critique Of Will Kymlicka’s Ethnic-Nation Dichotomy,” *Constellations* 4, no. 1 (1997): 48–53.

45. The three categories that Kymlicka uses (national minorities, indigenous peoples, immigrant groups) are practically two categories, the immigrant and non-immigrant cultures, where the former receives accommodation for better integration into society, whilst the latter receives self-governmental rights.

46. Kymlicka, “Do we Need a Liberal Theory of Minority Rights? Reply to Carens, Young, Parekh, and Forst,” 56.

expectations that they each have. The difference in the expectations of cultural categories, can be accounted for by observing the different demands they each make.

As such, a normative theory of liberal multiculturalism, being one that explains and promotes the rights of cultural groups, is obliged to address these differences and promote solutions that are likely to be accepted by most of the relevant parties. As Kymlicka explains, the two categories, immigrants and national minorities, have different expectations, which are based on “different beliefs about what is desirable, and about what they are rightfully entitled to.”⁴⁷ If immigrants were encouraged to create and sustain separate societies like national minorities (with institutions in their native language) then they would be marginalised further, since they “lack the sort of territorial concentration or historical institutions needed to sustain a vibrant societal culture.”⁴⁸ In short, immigrants want better terms of integration that recognise their ethnic identities, whilst national minorities or aboriginal people make demands for self-government, which usually reflect their historical marginalisation by the dominant culture. Their different demands and expectations call for different policies, hence Kymlicka’s categorisation of culture.

But what if an immigrant culture that lives in a geographically concentrated area, seeks to become a national minority? Should that culture’s claims for self-governance be met? Kymlicka answers this question by giving the example of Chinese immigrants, whose geographical concentration and numerical presence in Western countries is significant enough to make the scenario of ‘immigrant culture turning national’ realistic. In order for Chinese to become a national minority, he explains, they need Chinese-speaking public schools, universities, governmental insti-

47. Kymlicka, “Do we Need a Liberal Theory of Minority Rights? Reply to Carens, Young, Parekh, and Forst,” 52.

48. *ibid.*, 54.

tutions, army-units, hospitals and so on.⁴⁹ It is therefore impossible for an immigrant culture to become a national minority. For this reason, the emphasis of immigrant cultures is not on whether to integrate or secede from a liberal state. Integration is taken for granted; the demands they make are associated with the terms of the integration, not integration itself. As Kymlicka explains, “there is no evidence at all that immigrant multiculturalism is promoting ‘balkanization’ or ‘cultural and linguistic apartheid’ or ‘partial citizenship.’”⁵⁰

In chapter 5, where the ideal to non-ideal transition is addressed, Kymlicka’s approach to look into empirical cases to support his tripartite distinction between national minorities, immigrant cultures and aboriginal peoples will be praised, and the same practice will be extended to cover his conception of culture in order to avoid essentialist conceptions of group and cultural belonging. For the moment, it is important to note that Kymlicka’s defence for his cultural typology is an empirically-grounded one.

1.2.3 Multiculturalism and Human Rights

Once the division between immigrant and non-immigrant cultures is addressed, the next question relates to the nature of the rights attributed to each of the two categories. The multicultural rights promoted by Kymlicka are *individual* rights, since they provide to individuals access to a societal culture, in order to safeguard their individual autonomy. Non-Western groups, the objection goes, want *collective* rather than *individual* rights; as such, to provide individualistic justifications of non-collective rights is to defend a multiculturalism that the members of the minority cultures – who will be the recipients of these rights – do not abide by. A related

49. Kymlicka, “The Theory and Practice of Immigrant Multiculturalism,” 160.

50. *ibid.*

objection deriving from the individualistic critique, questions the necessity of multiculturalism as a set of individual rights. The critiques claim that the protection of the individual rights of citizens is already safeguarded by the United Nations through the Human Rights project, and as such, to have a domestic body (the state) to also protect individual rights seems redundant.

Kymlicka provides two responses. The first refutes the argument that multicultural accommodation is individualistic. He uses John Rawls's defence of freedom of religion to explain that although on paper the right to exercise one's religion is an individual right, in practice and in purpose it enables

religious *groups* to form and maintain themselves, and to recruit new members. Basic human rights such as freedom of speech, association, and conscience, while attributed to individuals, are typically exercised in community with others, and so provide protection for group life⁵¹

The second objection – why provide individual rights at the domestic level if they can be provided universally by the Human Rights project whose function is already to safeguard individual rights – is one that Kymlicka takes more seriously and is featuring prominently in his subsequent work. His initial response in 2001 was that human rights were not enough to provide ethnocultural justice because they promoted “negative rights of non-interference, rather than positive rights to assistance, funding, autonomy, or public recognition” of minority cultures.⁵²

Moreover, some of the human rights are challenging the interests of cultural minorities. For example, national governments have encouraged, rather than prohibited, the geographical spread of members of national minorities (which disem-

51. Will Kymlicka, “Human Rights and Ethnocultural Justice,” in *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship* (Oxford: Oxford University Press, 2001), 71.

52. Will Kymlicka, “Theorizing Indigenous Rights,” in *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship* (Oxford: Oxford University Press, 2001), 123.

powers them politically). In other cases, they have encouraged the mass geographical relocation of new immigrants into geographical areas that have been traditionally inhabited by members of a national minority in order to weaken their geopolitical power.⁵³ As Kymlicka explains, “there is nothing in the human rights doctrine that precludes such settlement policies.”⁵⁴ Not only do human rights say nothing about these injustices, they include guarantees in Article 13.1 of the UN Charter for the “freedom of movement and residence within the borders of each state”⁵⁵ which might in effect “exacerbate the injustice.”⁵⁶

A further issue important to cultural minorities that human rights were not rephrase with at the time when these criticisms were addressed towards Kymlicka, was the issue of linguistic accommodation. The importance of survival of minority languages was largely absent from the human rights project. Whereas the use of a national minority’s language at the institutional level of the state is critical for the maintenance of its societal culture, the United Nations required that “education at the senior level [must] be in the majority language”, hence empowering the dominant majority. In chapters 5 and 6 the case of Cyprus Maronite Arabic will be presented. It is a language indigenous to the Maronite community in Cyprus, officially protected by UNESCO since 1992, and only recognised as an official language by the Republic of Cyprus in 2008. It will be demonstrated through the example of CMA how a minority culture can be deprived of its linguistic identity if its is not promoted at the level of the institutions of the state.

In short, the relationship between human rights and multiculturalism was seen as both conflicting and complimentary; a controlled symbiosis: human rights

53. Kymlicka, “Human Rights and Ethocultural Justice,” 73-74.

54. *ibid.*, 74.

55. United Nations, *The Universal Declaration of Human Rights*, <http://www.un.org/en/documents/udhr/>, 1948.

56. Kymlicka, “Human Rights and Ethocultural Justice,” 74.

protect individual freedoms and cultural rights provide protection to freedoms that are not included, or are even contradicted by the human rights doctrine. Kymlicka's interest in the international aspects of multicultural accommodation, and specifically, the incorporation of multicultural policies by international organisations such as the United Nations and the European Union, has been intensified in recent years. Multiculturalism is no longer treated as a set of national policies complementary (although sometimes contradicting) to the international policies promoted by the United Nations, but rather as part of the human rights doctrine.

1.3 Theory to Policy and Domestic to International

The third stage of Kymlicka's work on multiculturalism is policy-based. In his recent work, he treats the theoretical debates that preceded this period as settled, and goes on to engage with International Intergovernmental Organizations (IOs) in order to promote the employment of multicultural policies at the international level.⁵⁷ The abstract and theoretical debates outlined above are now considered resolved, since, according to Kymlicka, both the international discourse on human rights and the dominant theoretical perspective on multiculturalism are both in accordance with liberalism. To use his words, "the emerging international discourses and norms are fundamentally liberal in character" and multiculturalism is "a concept that is both guided and constrained by a foundational commitment to principles of individual freedom and equality."⁵⁸

Nevertheless, some of the older issues are still emerging in Kymlicka's recent work, whilst new ones are also added to the agenda. The issue of categorisation, for

57. Will Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity* (Oxford: Oxford University Press, 2007), p.10.

58. *ibid.*, 7.

example, is a recurrent challenge to multiculturalism, which became more prominent once universally applicable solutions were sought. The fact that many minorities do not fit the triple division of the society into national minorities, immigrant groups and aboriginal people, led to “conceptual confusions, moral dilemmas, unintended consequences, legal inconsistencies and political manipulations,” but most importantly, created a dilemma between ‘generic’ and ‘targeted’ approaches”; that is, a dilemma as to whether to implement standardised rules and policies that ought to be universally applicable, or whether to respond individually on a case by case scenario.⁵⁹

1.3.1 Multiculturalism as an International Issue

An interesting addition to Kymlicka’s earlier take on multiculturalism is that now minority rights are treated as a matter of international concern, and not as a matter relevant only to the countries that face minority problems. This is so because the existence of ethnic minorities is largely an outcome of the breaking up of earlier Empires, like the Russian and Ottoman Empire, that left some groups on the wrong side of the fence. In order to protect minorities like for example Hungarians left in Romania, or Germans in Poland, “bilateral treaties were established to ensure reciprocal protecting of co-nationals in neighbouring countries.”⁶⁰ The protection of minorities through bilateral treaties was formalized under the League of Nations, but did not continue in the post-WWII era, since minority rights were then considered a threat to national coherence and as such were completely excluded from the international discourse and were not included either in the Charter of the United Nations or in

59. Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity*, 8.

60. *ibid.*, 28.

the 1948 Universal Declaration of Human Rights.⁶¹ In short, in the post-war period, national minorities had no role in the international sphere and their only protection was through *individual* rights based on the Human Rights Project.

This began to change in 1980s, following two directions, one for indigenous peoples and the other for national minorities, when the international scene became friendlier towards indigenous peoples. For example, the International Labour Organisation's Convention 107 "Concerning Indigenous and Tribal Populations,"⁶² which was adopted in 1957 with the aim of assimilating indigenous peoples into the mainstream cultures of the nation states, was redrafted during the 1980s into the 1989 Convention 169, urging for the recognition and the empowerment of indigenous people and for the abolition of the assimilationist policies against them.⁶³ The same trend was followed by other IOs as well, like the "United Nations Development Program,"⁶⁴ the World Bank,⁶⁵ the UN Human Rights Committee, the UN Committee on the Elimination of Racial Discrimination,⁶⁶ UNESCO,⁶⁷ and recent UN World Conferences.⁶⁸ The most important change was in Article 27 of the "International Covenant on Civil and Political Rights," which was reinterpreted in 1994 calling for the adoption of positive measures for the accommodation of minorities.⁶⁹

61. Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity*, 30.

62. International Labour Organisation, *Convention 107 Concerning Indigenous and Tribal Populations*, <http://www.ilo.org/images/empent/static/coop/pdf/Conv107.pdf>, 1957.

63. International Labour Organisation, *Convention 169 Indigenous and Tribal Peoples* (<http://www2.ohchr.org/english/law/indigenous.htm>, 1989).

64. United Nations, *UNDP and Indigenous Peoples: A Policy of Engagement*, http://www.undp.org/content/undp/en/home/librarypage/environment-energy/local_development/undp-and-indigenous-peoples-a-policy-of-engagement/, 1 June 2001.

65. World Bank, *Operation Policy 4.10 on Indigenous People*, <http://go.worldbank.org/DO3BSC7H70>, July 2005.

66. UN Committee On The Elimination Of Racial Discrimination, *General Recommendation 23, Rights Of Indigenous Peoples HRI/GEN/1/Rev.6*, <http://www1.umn.edu/humanrts/gencomm/genrexxiii.htm>, 1997.

67. UNESCO, *Universal Declaration on Cultural Diversity*, <http://bit.ly/1vJHHkB>, 2 November 2001.

68. Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity*, 33.

69. United Nations, *International Covenant On Civil And Political Rights*, <http://www.ohchr.org/>

Similar commitments towards the accommodation of cultural minorities were advanced within the European Union as well. As Kymlicka explains:

The OSCE was the first European body to make an official declaration on minority rights, in its Copenhagen Document of 1990 and the Geneva Document of 1991. It also established the office of the High Commissioner On National Minorities in 1993, and developed a series of important Recommendations relating to minority rights in the sphere of education (1996),⁷⁰ language (1998),⁷¹ effective participation (1999),⁷² and broadcasting (2003).⁷³

Based in part on these OSCE norms, the Council of Europe adopted a European Charter for Regional or Minority Languages in 1992,⁷⁴ a Framework Convention for the Protection of National Minorities in 1995,⁷⁵ and has subsequently established an Advisory Committee to monitor its implementations, and a 'Committee of Experts on Issues Relating to the Protection of National Minorities.'⁷⁶

The most important step taken by the European Union was to include respect for national minorities in the Copenhagen criteria that every country must meet

en/professionalinterest/pages/ccpr.aspx, 16 December 1966.

70. European Union, *The Hague Recommendations Regarding The Education Rights Of National Minorities*, <http://www.osce.org/hcnm/32180>, 1 October 1996.

71. European Union, *The Oslo Recommendations Regarding The Linguistic Rights Of National Minorities*, <http://www.osce.org/hcnm/67531>, 1 February 1998.

72. European Union, *The Lund Recommendations On The Effective Participation Of National Minorities In Public Life*, <http://www.osce.org/hcnm/32240>, 1 September 1999.

73. European Union, *Guidelines On The Use Of Minority Languages In The Broadcast Media*, <http://www.osce.org/hcnm/32310>, 10 October 2003.

74. European Union, *European Charter for Regional or Minority Languages*, 1992.

75. Council of Europe, *Framework Convention For The Protection Of National Minorities Cets No. 157*, <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=157&CL=ENG>, 1 February 1995.

76. Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity*, 77.

prior to its accession into the Union.⁷⁷

1.3.2 Human Rights, Securitisation and Inequality

Kymlicka provides a relational timeline of the evolution of the aforementioned policies that contributed to the internationalisation of multiculturalism. He identifies the establishment of the *human rights* project and the *desecuritisation* of ethnic politics as the most important historical developments that affected the expansion of multiculturalism at the global level. Kymlicka's goal is to overcome what he calls "methodological nationalism"; when theorists examine the emergence and evolution of multiculturalism only in relation to a specific case-study, the conclusions of which they then generalise, falsely assuming that they have a universal validity and applicability.⁷⁸

The analysis of multiculturalism in relation to human rights and security provides the conceptual ground for the identification of further causal links. In this subsection, an outline of these associations will be provided. For example, in examining the relationship between human rights and multiculturalism, we get insights as to the association between multiculturalism, liberalisation and democratisation, which is then related to the parallel examination of multiculturalism and security. This further explains how multiculturalism correlates with inequality, redistribution and national solidarity, which in turn fuel or diffuse the fear of immigration and the attitudes towards multicultural accommodation.

Kymlicka's analysis of human rights during the third stage of his work is a continuation from his previous analysis; human rights are seen both as an inspira-

77. European Union, *Conclusions Of European Council In Copenhagen*, http://ec.europa.eu/bulgaria/documents/abc/72921_en.pdf, 21-22 June 1993.

78. Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity*, 87.

tion and a constraint to the expansion of liberal multiculturalism. The most important positive contribution of the human rights project, according to Kymlicka, has been the discontinuation of the hierarchy of ethnic and “racial” identities, through the Universal Declaration of Human Rights. In Article 2, the *Declaration* specifically states that “everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”⁷⁹ The deconstruction of these hierarchies has been further empowered by decolonisation, since it signified a move away from European supremacist ideals, and paved the road to the social rights movement. These three developments – abolition of ethnic and racial hierarchies, decolonization, and social rights – have “inspired the struggle for minority rights and multiculturalism.”⁸⁰

Kymlicka identifies the impact of human rights not on the rights per se, but rather on the function of human rights as a universal framework of political legitimacy. In other words, human rights provide the necessary limits to the nature of the policies that are legitimate within a state. If a proposed multicultural policy violates or even challenges the individual rights protected by the human rights doctrine, then it is very unlikely that it will get popular support, affirming in this way the role that Kymlicka assigns to human rights as the gatekeeper of liberal democratic values.⁸¹ For example, we don’t see any country that abides by the Charter of the UN approving practices like female genital mutilation, sex selective abortion, or child marriages; practices that as Anne Phillips explains have been defended as “cultural” in criminal courts of liberal states yet have been explicitly rejected.⁸²

79. United Nations, *The Universal Declaration of Human Rights*.

80. Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity*, 91.

81. *ibid.*, 92-93.

82. For cases of cultural defence in British criminal courts see Anne Phillips, “When Culture Means Gender: Issues Of Cultural Defence In The English Courts,” *Modern Law Review* 66, no. 4 (2003): 510–

This new take on human rights is interesting because it moves the arena of multicultural struggle from the domestic to the international. In Kymlicka's earliest formulation of his theory, ethnocultural justice was to be safeguarded at the level of the multinational state, whose multicultural policies would provide additional individual freedoms that would compliment the freedoms protected at the international level by the human rights doctrine. Now, the focus has changed, reflecting in a way the general turn of national government away from group-differentiated policies and towards universalistic ones. The turn of governments away from group-differentiated policies, makes the international arena that is employed by international intergovernmental organisations a suitable space for multicultural struggle, since IOs increasingly gain more authority over national governments. Moreover, the international nature of IOs gives them the ability and the authority to expand the application of multicultural policies, since they are able to identify the most successful applications of multiculturalism and promote them, coordinating in effect a spill-over of effective multicultural policies across a wide spectrum of countries.

In putting his trust in IOs and specifically on the human rights doctrine, Kymlicka is reaffirming his belief that liberalism is now the uncontested and default value-system. "In many contexts," he argues, "IOs have treated liberal multiculturalism not simply as the legitimate option amongst others, but as a preferred option, even as the only legitimate option," with the best example being the "decision of the EU and NATO to insist on respect for minority rights as a condition of admission to these organisations."⁸³ The old debates about whether liberalism was the appropriate basis for multicultural policies are either settled because the empirical evidence in support of liberalism is now overwhelming, or are irrelevant because there is no

531.

83. Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity*, 137.

alluring alternative. All the important IOs, Kymlicka argues, are liberal and promote the liberal values of freedom, tolerance, autonomy and equality across the globe. These values are the same values that underpin the multiculturalism he supports, namely *liberal* multiculturalism, which is the only plausible multiculturalism that can exist. “Really existing multiculturalism in the West is liberal multiculturalism”⁸⁴ he says boldly, arguing that other forms of multiculturalism based on theorists like Nietzsche or Herder are confined to the academia and have no impact outside the classroom, since they have no applicable policy-recommendations, and those who do, have not been endorsed by policy-makers. So, liberal multiculturalism has won by default, he argues. In chapter 4 the *Reciprocal Model* will be outlined, to explain how we can assess the claim of Kymlicka that liberal multiculturalism has won; to question whether it is indeed the case that MC has been successfully embedded in the foundational documents of intergovernmental institutions.

Kymlicka’s international take on multiculturalism is accomplished through the lens of human rights and liberalisation, which in turn provide insights into their relationship with securitization. Imagine it as an incremental cycle that involves liberal democratic values, then human rights as the vehicle of promotion of liberalism and democracy, and then desecuritisation of ethnic identities, which in effect reinforces the adoption of liberal values that restart the cycle. In other words, because human rights are based on liberal values and promote democracy and because they have been very important in the abolition of ethnic and racial hierarchies, they created a safe space in the domestic public spheres to deliberate upon ethnic issues. In the past, ethnic policies were treated as a threat either to national solidarity or to individual freedoms. This misconception was perpetuated through what Kymlicka calls the traditionalist view of culture. Traditionalists understand cultural claims as

84. Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity*, p.108.

attempts to sustain an exclusionary, hierarchical, static and authentic view of culture. This perception is mistaken and misleading, since as Kymlicka explains “when nationalist leaders say that their traditions of law and self-government should be respected, they are really saying that their nation is capable of exercising the right to decide on issues of law and government” and they do not mean that “they want to exercise their rights in an ‘authentically traditional’ way.”⁸⁵

In fact, the traditionalist approach has been proven empirically false. The main contention against the allocation of self-governmental and territorial rights to national minorities and indigenous people, as well as polyethnic rights to immigrant cultures, was that they would shatter national solidarity and destroy the welfare system, create ethnic conflict and widen social inequalities. Now there is research available to refute all three of these claims. Multicultural accommodation has not only facilitated the harmonious coexistence of ethnic cultures, it has also proven to contribute to the reduction of inequality and the spread of democracy and liberalism. More specifically, a study conducted by Banting and Kymlicka in 2006 demonstrates the erroneous nature of the most common criticism of multiculturalism, most eloquently articulated by David Miller who argued that “radical multiculturalism,” like the multiculturalism supported by Kymlicka, promotes a thin notion of citizenship that is not enough to commit the citizens of a state to a redistributive scheme that would promote equality. “In the absence of a shared identity,” Miller argues, the majority culture is “asked to extend equal respect and treatment to groups with which they have nothing in common beyond the fact of cohabitation in the same political society.”⁸⁶ This claim is disproven by Banting and Kymlicka, who have presented data showing that there is no correlation between strong multicultural policies and

85. Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity*, 145.

86. Miller, *On Nationality*, 139.

difficulties maintaining a redistributive welfare system.⁸⁷

1.3.3 Immigrant Multiculturalism and Eastern Europe

Once the debate over multiculturalism is examined through the viewpoint of human rights, securitisation and equality, the analysis enhances the understanding of the most controversial and challenging issue of multiculturalism, which is the accommodation of immigrant cultures. Immigration is now one of the most pressing issues on the agenda of the European Union, where conflict-stricken non-Western immigrant flows, are perceived as a challenge to the 'liberal way of life' of the Europeans. There is a view that non-European and non-Western immigrants are less likely to endorse liberal values, and as such, granting them more recognition is a threat to liberal-democratic values. "In fact," Kymlicka explains, "non-European immigrants today, at least in the New World countries of immigration, exhibit the same basic tendency to internalise liberal-democratic values." Hence, the fear that multicultural accommodation might encourage illiberal ways of life is unwarranted, since the evidence shows that immigrants do follow and respect the constitutional rules of their host-country (which are liberal and tied to the human rights doctrine). Steven Weldon, in a 2006 comparative analysis of states in Western Europe, concludes that countries that implement liberal multicultural policies are more tolerant than countries who do not, supplementing Kymlicka's conclusion that immigrant countries are much better in integrating immigrants, both with respect to democracy and economic prosperity.⁸⁸ Therefore, immigrant multiculturalism in the age

87. Keith Banting and Will Kymlicka, *Multiculturalism and the Welfare State: Recognition and Redistribution in Contemporary Democracies* (Oxford: Oxford University Press, 2006).

88. Steven Weldon, "The Institutional Context Of Tolerance For Ethnic Minorities: A Comparative, Multilevel Analysis Of Western Europe," *American Journal of Political Science* 50, no. 2 (2006): 331–349.

of human rights promotes liberal democratic values like tolerance and equality and not intolerance and segregation as it is argued in the dominant (mostly popular and to a lesser extend academic) discourse.

On the opposite side of traditional countries of migration that have been the pioneers of immigrant multiculturalism one finds the countries of Eastern Europe who have been reluctant to accommodate immigrant cultures. Once immigrant multiculturalism is seen through the prism of human rights and securitisation, it is easier to derive inferences about the multicultural challenges that countries of Eastern Europe face, and explain the monocultural perspectives that dominate Eastern European politics. Most Eastern European countries are post-communist countries that have experienced ethnic violence. In these countries there is still a prevailing sense of injustice because historical wrongs have not been properly addressed and reconciled. This undue justice fuels a feeling of resentment that does not allow the detachment of ethnic politics from security considerations (if not at a practical at least at an emotional level), obstructing to some extend the potential application of ethnocultural justice through multicultural accommodation.⁸⁹

Moreover, the power dynamics in Eastern Europe are different from the traditional Western examples. The historiography of Western countries was usually comprised of a dominant majority that oppressed the minorities, who were physically subdued on the merit of their ethnic and “racial” inferior classification. In most Eastern European countries, with the exception of Cyprus, the role of the oppressor was undertaken by the minorities who were imposing themselves upon the majorities.⁹⁰ As such, the Eastern European examples highlight the importance of securitization: *that without the detachment of ethnicity and security, multicultural accommodation is*

89. Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity*, 188.

90. *ibid.*

deemed to be unsuccessful. This, in effect, demonstrates how important the involvement of international institutions is, especially those that can mobilise international initiatives that would facilitate the alleviation of ethnic hatred.

The European Union has not remained idle towards the challenges present in its Eastern part. It has promoted multiculturalism through four means: firstly, it promoted the most successful practices of multicultural accommodation; secondly, it established across the border standards in relation to ethnic minorities that new countries have to meet prior to their entrance to the Union (included in the Copenhagen criteria); thirdly, it formed “The Office of High Commission on National Minorities of the Organisation Security and Cooperation in Europe in 1993, which was linked to OSCE mission offices in several post-communist countries”; and fourthly, the Council of Europe set up advisory bodies and evaluating mechanisms to monitor the progress of multicultural accommodation across the Union, as part of the Framework Convention on the Protection of National Minorities.⁹¹

The endorsement of considerations for territorial autonomy by the bodies of the European Union was not enhanced further. In fact, there was a backlash since the Parliamentary Assembly’s Recommendation 1201, which highlighted the need to guarantee territorial autonomy. This suggestion was rejected by the Framework Convention and any subsequent reference to territorial autonomy was omitted. This tendency was perpetuated in other EU bodies as well. As Kymlicka explains, “not only is territorial autonomy not recognised as a ‘right’, it is not even mentioned as a recommended practice.”⁹² The absence of any reference to territorial autonomy is also continued in “Hague, Oslo and Lund Recommendations adopted by the OSCE from 1996 to 1999,” as well as to the draft constitution of the European Union.⁹³

91. Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity*, 196-197.

92. *ibid.*, 209.

93. Kymlicka, *Multicultural Citizenship*, 210.

The new hostile attitude of the European Union towards territorial autonomy is to approach it not as a preferred solution, but rather as a solution of the last resort. The European Union adopted the view of countries like France, Greece and Turkey, who are particularly hostile to the idea of national minorities being entitled to self-governmental and territorial rights. The new discourse became one of “inclusive” instead of differential citizenship; the language of territorial autonomy was dropped and the term national-minority became an umbrella term that covered more than historical minorities with self-governmental and territorial claims. The new definition no longer describes “one type of group amongst others in a taxonomy of minorities, but rather is becoming an umbrella term used to encompass all ethnocultural groups.”⁹⁴

94. Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity*, 218

Chapter 2

Liberal Nationalism

Will Kymlicka's liberal multiculturalism, which is a central theme of this thesis, is based upon the assumption that liberalism and nationalism instead of being mutually exclusive are necessary to each other. The only way that the liberal state adheres to the values of equality and freedom inherent to liberalism is through the accommodation of the nationalistic claims of ethnic groups. In Kymlicka's formulation of multiculturalism, the liberal state must meet the nationalist demands of cultural groups in order to safeguard their freedom of choice.

In cases where the cultural identities are securitised, it is important to be able to acknowledge the nationalist demands of different groups and accommodate them within a framework of liberal rights; otherwise, neither the cultures themselves, nor liberalism, or even the state will benefit, because the members of security-aware cultural associations will resort to old-school exclusionary nationalism that will be esoteric to the group, and combatant towards other cultures. Whereas in the canonical examples where theories of MC apply – UK, US, Australia, Canada, France and Germany – the ethnic bias of the state is sometimes difficult to recognise, in countries like Cyprus – a non-traditionally migrant country – the bias of the state towards

the dominant ethnic group is ever more profound. As such, in order to be able to accommodate diverse cultures, one should first be able to identify the structures of privilege that govern the society. For this, one needs to dispense with abstract notions of liberal neutrality, and liberal nationalism provides exactly the means necessary to do so.

In this chapter, I will examine the theoretical basis of Kymlicka's *Multicultural Citizenship* that is based on the idea of *liberal nationalism*, pioneered by Yael Tamir and Jeff Spinner-Halev, whose work will also be presented here. According to Tamir, liberal nationalism:

fosters national ideals without losing sight of other human values against which national ideals ought to be weighed. The outcome of this process is a redefinition of legitimate national goals and the means used to pursue them. Liberal nationalism thus celebrates the particularity of culture together with the universality of human rights, the social and culture embeddedness of individuals together with their personal autonomy.¹

This rather fresh idea of nationalism through the prism of liberal values, provides a reformulation of the traditional liberal understanding of culture and the individual – culture is neither a closed exclusionary society whose membership is determined by fate, nor a merely voluntary association, and the individual is neither an isolated abstract atom, nor an inseparable part of its cultural environment. Membership to a culture is based on choice, but the nature of cultural membership is such that it affects the life-chances of the choice-maker (individual).

This chapter will analyse how liberal nationalism relates to more traditional understandings of liberalism and nationalism, in order to explain the evolution that

1. Yael Tamir, *Liberal Nationalism* (Princeton: Princeton University Press, 1993), 79.

led to Kymlicka's liberal multiculturalism. The analysis provided here will be useful in later parts of this thesis, especially chapters 6 and 7, when the exportability of MC will be discussed through the case of Cyprus. This chapter will provide the theoretical basis that will enable the reader to comprehend the limits of nationalism, the non-ideal circumstances faced by minority groups in liberal states (discussed in chapter 4), and how liberal principles can provide practical action-guidance for locating the silver lining between liberalism and nationalism. Using the example of Cyprus, introduced in chapter 5 and elaborated thereafter, it will become obvious how firstly, increased emphasis on the national identities of a group leads to the oppression of minority groups, like the Maronites, Armenians, Latins and Roma. Secondly, how the lack of acknowledgement of the situated nature of individuals leads to their oppression, and to the escalation of violence, especially in situations where the national identities are filtered through security considerations for the survival of a group whose members perceive it to be under a constant threat of extinction.

2.1 Individual and Collective Identity

Before discussing the specifics of liberal nationalism, it is important to provide some classificatory remarks as to the different civil identities that exist, in order to avoid any categorical confusion. It is necessary to outline the difference and relationship amongst race, ethnicity and nationality, in order to demonstrate the importance of nationalism to the liberal multicultural agenda. For liberal nationalists, the effects that race, ethnicity and nationality have upon the individual are such that they prohibit the detachment of the individual from their constitutive identities. Jeff Spinner-Halev, whose work discusses the relationship between these three identities, adopts Michael Sandel's communitarian argument that "people cannot be separated from

their ends [...] because their identities are constituted by their interests and ends,” to explain why it is mistaken to abstract individuals from the settings that form their identities.²

2.1.1 ‘Race’, Ethnicity and Nationality

Race

The first identity to discuss is race. Race is an identity that is most often utilised by the dominant culture to denote the perceived inferior status of the members of a minority group. The characteristic attribute of racial classification is the implicit attachment of culture with biology.³ Once culture is intertwined with biology, membership becomes a fact of fate; the individual is born in a culture and cannot escape from it. The racial classification is used to assert and maintain power hierarchies. The most notable example is slavery. As Spinner-Halev explains, long before the ideological justifications for the existence of slavery in the United States developed, the primary justification was that of biology.⁴ The slaves belonged to a race, which was biologically inferior to the Europeans. As such, the racial classification had a double role; it identified the members of the minority group and also positioned them within the social hierarchy by establishing their biological inferiority.

Racism does not necessarily stem from the state, although when a racial classification is used by the state to denote the members of a given group, then the racial identity is reaffirmed, minimising the ability of the members of the racially defined group to redefine or negotiate the content of their culture.⁵

2. Michael J. Sandel, *Liberalism And The Limits Of Justice*, 2nd (Cambridge: Cambridge University Press, 1998), 59; Jeff Spinner-Halev, *The Boundaries Of Citizenship: Race, Ethnicity, And Nationality In The Liberal State* (London: Johns Hopkins University Press, 1994), 17.

3. *ibid.*, 19.

4. *ibid.*, 21.

5. *ibid.*, 22.

Ethnicity

Ethnicity is the second identity that will be discussed in this chapter, which contrary to “race,” is not an imposed one, even though it might have originated “from without”; that is, it might have originally been used by the members and institutions of a majority culture to define the members of a minority, yet today, it is reclaimed by the members of the minority, who use it to express the particularities of their way of life.⁶ In short, cultural members use ethnicity as a source of identity in order to define their national origin and the traditions and history specific to it. Therefore ethnicity is important for *cultural reasons*.

This means that ethnicity is not a matter of fate. Whilst one is born into an ethnic culture, they have the option to reinterpret or disassociate from it. Ethnicity, contrary to “race,” does not lock its members *ad infinitum* and as such, does not use biological justifications for the maintenance of the ethnic identity. Instead, it uses *cultural reasons*. Ethnic membership provides the moral framework upon which the individual is based to form a life-plan, comprehend their options, and make informed choices. Depriving the individual of that structure, it is to deprive them from the means to live an autonomous life. This, as we saw in chapter 1, is the foundational premise of Kymlicka’s multiculturalism. In chapters 6 and 7 different conceptions of culture will be explored, to see firstly, whether it is indeed the case that someone can exit their ethnic group; secondly, that culture provides a context-of-choice for all; and finally, whether the bundle of identities that form the ethnic whole should indeed be protected and promoted by the liberal state.

The members of immigrant and national cultures might both make ethnic claims, where they both want their ethnic identities maintained and their cultural

6. Spinner-Halev, *The Boundaries Of Citizenship: Race, Ethnicity, And Nationality In The Liberal State*, 19. 25-26.

particularities recognised and respected. Whereas they both can make ethnic claims, their aspirations and desired outcomes differ. Members of immigrant cultures want better terms of integration to the mainstream culture, through the recognition – “celebration” – of their ethnic identity. The more comfortable the liberal state makes them feel, the easier their integration into their host society will be. National minorities on the other hand, as we will see in the following subsection, ask for political autonomy, seeking differentiation rather than integration, since their perception of their cultural identity is tied to a geographical area. Therefore, *ethnic* claims can be exemplified in two ways, either through demands for more integration or demands for differentiation and political autonomy.

It is important to grasp the difference between national and ethnic minorities. They both make claims in the name of their ethnic identity. The reason and the justification behind their claims, relate to the importance of the maintenance of their ethnic identity. As such, both national and ethnic claims are claims related to ethnocultural membership. The point where they depart relates to the nature of their claims, and not to the justification of them. They are both making demands in the name of their ethnic identity.

As it will be evident in chapter 5 where the case of Cyprus will be presented, some cultures might have all the attributes of a national group except for a sense of ethnic belonging. These cultures, like the Cypriot Latins, are often disadvantaged because they don't fit into the mainstream definition of an ethnocultural group.

2.1.2 Nationality

National claims are claims of ethnic cultures tied to a piece of land – when ethnic cultures make demands of self-government and political autonomy, often related

to a specific geographical area. “National claims are so much more explosive than ethnic claims,” Spinner-Halev argues, “because the former are tied up with claims to a certain piece of land and a desire for some sort of political autonomy”.⁷ The most common and most authoritative definition of nationality comes from Benedict Anderson, who defines the nation as “an imagined political community,” which is “imagined as both inherently limited and sovereign”.⁸ The nation then is an *imagined, limited and sovereign* community; attributes that we need to deconstruct in order to capture the meaning of nationality.

Nationality is *imagined* because it does not rely on any other source of assessment or approval, other than the collective imagination; the shared view of what constitutes a culture. “Communities are to be distinguished, not by their falsity/genuine”, Anderson argues, “but by the style in which they are imagined.” It is also *limited because*, whatever the size, a nation has a beginning and an ending. As Anderson explains, “the nation is imagined as *limited* because even the largest of them, encompassing perhaps a billion living human beings, has finite, if elastic, boundaries, beyond which lie other nations. No nation imagines itself coterminous with mankind.” Moreover, a nation is *sovereign*, because the very concept of the nation emerged at a period when Enlightenment and Revolution destroyed “the legitimacy of the divinely-ordained, hierarchical dynastic realm.” Nations are self-ruling entities, or groups which aspire to self-governance. Finally, a nation is a *community*, because it is “always conceived as a deep, horizontal comradeship.” It is a fraternity of people “willing to die for such limited imaginings”.⁹

7. Spinner-Halev, *The Boundaries Of Citizenship: Race, Ethnicity, And Nationality In The Liberal State*, 27-28.

8. Benedict Anderson, *Imagined Communities: Reflections On The Origin And Spread Of Nationalism*, 2nd revised (London: Verso, 1991), 6.

9. *ibid.*, 7.

2.1.3 Liberal Nationalist Identity

In chapter 6 and 7 the distinction between ethnic and civic nationalism will be discussed in a more elaborate manner, in order to tease out which of the two conceptions of nationality are more suited to the purpose of cultural accommodation of minority groups in a liberal state. Having completed the discussion on the three identities – “race,” ethnicity, nationality – mostly discussed in the context of public recognition, the next point of interest is the conception of nationality that is promoted by liberal scholars, which guides Kymlicka’s liberal multiculturalism. Hence, a very particular conception of nationality will be discussed, called liberal nationalism, which introduces the concept of the “situated individual” as an alternative to the “abstract individual” traditionally present in liberal conceptions of the self. The idea of liberal nationalism is the one underpinning Kymlicka’s theory of multiculturalism, and provides the ammunition with which he defends the demands of national cultures for political autonomy within the liberal state.

The nationalist conception of individual identity, consists of two central features, argues Yael Tamir. These are “the need to live one’s life from the inside and the need to be rooted.”¹⁰ We cannot abstract the individual from their communal setting, because outside that setting, the individual cannot be conceptualised. As such, culture is necessary in understanding the individual, and therefore necessary for the individual to understand the world. This dualism employed in understanding the modern individual, explains firstly, the function of culture as a point of reference and as vehicle of interpretation of the world, and secondly, the individual as a creature who *needs* a communal setting to lead a valuable life.

The aforementioned conception of the modern individual provides the justi-

10. Tamir, *Liberal Nationalism*, 30.

fication for the rejection of the dichotomous classification of voluntary and involuntary associations. The mainstream conception amongst liberal scholars is that ethnic groups and nations are “communities of fate,” which are involuntarily assigned based on birth right, whilst states are voluntary associations based on choice. This is false, since membership both to a state and to a nation is “a matter of destiny rather than choice,” because individuals are born within these collectives. As such, to distinguish between the two and classify the state as a choice-driven association and the nation as fate-driven association is misleading. They similarly rely on both fate and choice, and they both rely upon liberal principles of justice to ensure the right of their members to disassociate themselves from the group (state or nation) or reinterpret the content of their (civil or national) identity.¹¹

That being said, national cultures have not always respected the right of choice of the individual, a fact that leads many liberals to reject nationalism altogether. Spinner-Halev explains that nationalisms can be both good and bad. “The myth of the nation-state and the exclusionary potential of nationalism and its expansionary designs lead some to reject nationalism,” he argues, but that should not be generalised, leading to an overall rejection of nationality, since there is both good and bad nationalism.¹² Nationalism is “good,” when it materialises the struggles of oppressed populations for independence, leading to them overthrowing their oppressors. Nationalism is “bad,” when it refuses equal rights of citizenship to non-national members of a nationalist state. Based on this differentiation between good and bad nationalism, liberals have tended to favour nationalist movements rather than nationalistic states. “Nationalist movements often have a romantic side that attracts liberals,” whilst nationalist states can be “exclusionary and may also have expansion-

11. Tamir, *Liberal Nationalism*, 124.

12. Spinner-Halev, *The Boundaries Of Citizenship: Race, Ethnicity, And Nationality In The Liberal State*, 144.

ist designs,” although nationalism is overall considered contradictory to liberalism, and it is only accepted in extreme cases.¹³

To take such a negative stance towards all or most nationalistic claims would be mistaken. It is sometimes in the interest of the liberal polity to decide to accommodate nationalistic demands. The obvious reason to accommodate the claims of a culture for self-governance, or even secession, is for the avoidance of violence. Sometimes it is necessary to grant political autonomy to some groups in order to avoid bloodshed. There are times where secession is the only option, where history precludes any solution other than separation.

The other reason why separation might be preferable has to do with the usage of language. Anderson explains how the rise of nationalism was underpinned by the printing press, through the spreading of print languages across large geographical areas. He argues that “print languages laid the bases for national consciousness in three distinct ways.” First, they created “unified fields of exchange and communication below Latin and above the spoken vernaculars.” Secondly, printed books enabled the sustenance of the “image of antiquity” that is necessary for the maintenance of the imagined vision of the nation across time and geography. Finally, the mainstream adoption of the printing press created “languages-of-power,” who sustained ethnocultural dominance over the cultures whose languages were in a lower position in the hierarchy of linguistic influence.¹⁴

Language provides a double justification for national demands for self governance. Firstly, the use of language has created a hierarchy of cultures, against which the cultures whose languages are not mainstream print-languages need to take mea-

13. Spinner-Halev, *The Boundaries Of Citizenship: Race, Ethnicity, And Nationality In The Liberal State*, 142-143.

14. Anderson, *Imagined Communities: Reflections On The Origin And Spread Of Nationalism*, 44-45.

tures. Secondly, the evolution of print-capitalism has enabled the creation, sustenance and expansion of national cultures, and as such it explains why national cultures want self-governmental rights in the first place.

The importance of language provides another insight into the nature of *ethnic* claims. Language politics are claims for linguistic recognition and accommodation in the *public* sphere. As such, they demonstrate that ethnic identity is not restricted to the private realm, as it affects the public life of individuals, whose language might or might not be used by the institutions of the state. Hence, the language battles of ethnic cultures make *ethnicity* a matter of both private and public consideration. As such, those who consider ethnic identity as irrelevant to the proceedings of the liberal state are mistaken, since they refuse to take notice of the effect that the liberal state can have upon ethnic minorities. Kymlicka understands the importance of language, since it underpins his conception of ethnicity as an identity not confined to the private sphere. The need for linguistic accommodation of ethnic minorities is therefore a public matter and the state must take positive measures to ensure the continuation of the language of cultural minorities, because language is connected to the survival of the culture.

In §6.1, when the exportability of MC beyond its dedicated contexts will be discussed, there will be a further probe into the role of language within the ethnic whole, to question whether one can indeed argue that access to a cultural context should be considered a primary good, even in those cases where individuals disassociate from their cultures; the argument being that language, which is part of the ethnic bundle of identities, is a necessary vehicle in the process of overcoming one's culture, and as such it filters the options which one can comprehend, as well as her ability to leave her culture behind.

The issue of the public nature of ethnic identity will be further discussed in

the next section, where the role and treatment of ethnicity within the bounds of the liberal state will be analysed.

2.2 Liberal Citizenship and the Failures of the Liberal State

Liberal nationalists argue that ethnic identity is mistakenly dismissed by liberal scholars as private. The liberal state, they argue, weakens ethnic identity and as such, to claim that it is neutral would be false. Moreover, the state implicitly adopts some cultural norms; norms which are embedded into its institutions. As liberalism is predominantly considered “a philosophy of institutions,” ethnocultural bias is inherent into the liberal state itself.¹⁵ In this section, the demands and effects of the liberal state upon ethnic cultures and identities will be discussed, to explain why liberal nationalists claim that the liberal state is obliged to take action towards the accommodation of ethnic minorities.

The importance of conceptually grasping the ethnic bias of the liberal state cannot be overstated, and will be even more evident in chapter 4 where the differences between theory and practice will become more evident. The difference between the ideal conceptions of society and the everyday experience of individuals will be highlighted, in order to demonstrate later in subsequent chapters, how cultures in Cyprus and elsewhere have been oppressed because the innate bias of the liberal state was not factored into the design of their institutions.

15. Spinner-Halev, *The Boundaries Of Citizenship: Race, Ethnicity, And Nationality In The Liberal State*, 184.

2.2.1 Liberal State and Ethnicity

The liberal state, Spinner-Halev argues, makes demand on its citizens. “Liberal citizenship is far more robust than is usually acknowledged; it demands that liberal citizens act toward their fellow citizen in a certain way, even if they want to act otherwise.”¹⁶ It prescribes how should citizens act in public – they should treat each other with respect when they meet, and they should hide their prejudices when confronting their fellow citizens and (at least) pretend that everyone is equal. This means that liberal citizenship relies upon liberal values, which by definition make liberalism a theory that is not merely institutional and neutral. Liberal citizenship, according to liberal nationalists is not only “a theory of pluralism” and it cannot “be neutral on the good life and allow an infinite variety of ways of life to flourish.”¹⁷ Therefore, liberal nationalists, first and foremost challenge the supposed neutrality and pluralism of liberal theory, by assessing it through its practice, exposing its ethno-national bias in favour of Western conceptions of the good life.

In doing so, the liberal state is shifting the focus from the ethnic to the state level. This practice is not confined to ethnic cultures since it also applies to non-ethnic groups, which are encouraged to think themselves as part of a wider whole. Spinner-Halev gives the example of “people of colour,” where Blacks, Latinos and Asian Americans were encouraged to think themselves as “people of colour,” devaluing in effect their individual identities as Blacks, Latinos or Asian Americans.¹⁸ By shifting the focus, the liberal state devalues the aforementioned ethnic and non-ethnic identities. When people think more of the wider whole, they think less of their own cultural group – the ethnic whole is fading in the side of the civil whole

16. Spinner-Halev, *The Boundaries Of Citizenship: Race, Ethnicity, And Nationality In The Liberal State*, 146.

17. *ibid.*, 47.

18. *ibid.*, 56.

that is the state. This distinction between ethnic and civic conceptions of identity will further be discussed in §6.5, where different formulations of nationalism will be considered, in deciding which can more effectively underpin a theory of multicultural citizenship that can be exported beyond the standard countries of application.

Liberal nationalists consider liberal citizenship a failed project, they consider that it has failed because the liberal state does not and cannot achieve the ideals of liberal theory. Jeff Spinner-Halev gives three justifications for the failure of the state to stand true to its ideological values. Firstly, liberals do not use force to ensure the transmission and adoption of their values. As such, they rely only on persuasion to change people's values, attitudes and beliefs. Secondly, liberals rely on laws to achieve equality, so citizens need to go to court in order to defend their rights. Going to court costs money and time, which not all members of a liberal citizenry can afford. Thirdly, the reliance on the law, "obscures how power works." Liberals, it is argued, do not have the conceptual tools to understand "social pressures that work to change the way people act"; they cannot understand how individuals might be theoretically free but practically unable to perform certain actions that are guaranteed by the liberal theory and would supposedly be protected by the liberal state.¹⁹

This is what Iris Marion Young defined as the five faces of oppression.²⁰ Young identified exploitation, marginalisation, powerlessness, cultural dominance and violence as five sources of oppression that exist within the liberal state, despite the formal protections that are guaranteed by it. The structures that lead to oppression, will become central to the conception of MC that will be defended in the remainder of this thesis. The justification of group-differentiated treatment will be defended as

19. Spinner-Halev, *The Boundaries Of Citizenship: Race, Ethnicity, And Nationality In The Liberal State*, 11-12.

20. Iris Marion Young, *Justice And The Politics Of Difference* (Princeton: Princeton University Press, 1990), 39-65.

a way to counterbalance the unearned privilege that structural bias provides. The equality-based defence of cultural rights will be provided in §6.1.4 and will be based on the examples found in the case of Cyprus outlined in §5.4. A practical application of the equality-driven conception of MC on Cyprus is attempted in the final chapter 7, where practical suggestions are given on how an equality-based conception of cultural rights can be integrated into the negotiated constitution.

2.2.2 Liberal State and Racial Groups

The most notable failure of the liberal state to live up to its theoretical standards is the case of “people of colour.” Specifically, the case of black people demonstrates that there is a lot of room for illiberal practices within, but most importantly on behalf, of the liberal state. People of colour did not merit the same standards of non-discrimination and equality that the rest of the citizens of the liberal state enjoyed. More specifically, in the United States, blacks have been consistently excluded from the mainstream society, by being subjected to all of Young’s sources of oppression.²¹

The case of people of colour demonstrates the effect of social exclusion. Whilst ethnics are assimilated into the dominant cultures and gradually lose their distinctive identity, people of colour, by being excluded, have created their own, parallel community; a community that stands within the bound of the formal state, but opposite the mainstream society.²²

The fact that there is racism within the liberal state²³ might lead to the wrong

21. Young, *Justice And The Politics Of Difference*; Martha Ackelsberg and Mary Lyndon Shanley, “Reflections on Iris Marion Young’s Justice and the Politics of Difference,” *Politics and Gender* 4, no. 2 (2008): 117-137. For criticism of Iris Young’s “absurd” theory, as the author calls it, see Brian Barry, *Culture And Equality: An Egalitarian Critique Of Multiculturalism* (Cambridge: Polity Press, 2001), 11, 15-17, 100, 267ff. For responses to Barry see Paul Kelly, ed., *Multiculturalism Reconsidered: Culture And Equality And Its Critics* (Cambridge: Polity, 2002).

22. Spinner-Halev, *The Boundaries Of Citizenship: Race, Ethnicity, And Nationality In The Liberal State*, 113.

23. Here the term “liberal” state is used in its non-ideal form, to describe real countries with a

conclusion that racism and liberalism are the same, or that they are inevitably related. Such conclusions would be mistaken. The alternative view would be that racism exists in a liberal state, despite the fact that the state is liberal. Racism is a failure of the liberal state and not the cause of it. The reasons for the failure of the liberal state in relation to racism are similar to above. Firstly, liberals²⁴ are democrats relying on democratic institutions, which “cannot ensure that power is always used judiciously”; as such, “a group of people can be oppressed by the government with little resource if their fellow citizens do not care about them.” Secondly, the version of equality most favourable to liberals is formal equality, meaning the enactment of laws that treat everyone the same. Beyond that, the only function of the state is to cultivate a culture of equality rather than actually enforce equality. Finally, liberals do not take into account how the power-structure works, referring again to Young’s five faces of oppression that go beyond the formal guarantees of the state.²⁵

In short, to summarise the main premise of the perceived failure of the liberal state, as has been developed in this subsection through the example of people of colour, is to argue that even if absolute equality and neutrality prevailed in the institutions of government and employment, the opportunities for white people would be much more than those for black people, because the institutions, during their initial design, were modelled based on the way of life of white people. As such, the abstraction of the individual from their ethnocultural environment is mistaken. The

liberal political order. “Liberal state” is used in the context of challenging ideal conceptions of how the liberal state ought to function.

24. “Liberals” is used in its wider sense, encompassing people with vastly different conceptions of liberalism. The term “liberals” as it is used here, is focused on the foundational premises of liberalism defended by the pioneers of classical liberalism like Locke and J.S.Mill. Although it can be extended to include extreme strands of liberals, like libertarians, the emphasis is placed on liberal egalitarians who develop theories of distributive justice without taking into consideration the unjust structures of society.

25. Spinner-Halev, *The Boundaries Of Citizenship: Race, Ethnicity, And Nationality In The Liberal State*, 118-119.

individual must be analysed within their social context according to liberal nationalists. The most frequent way of performing this abstraction, causing in effect the aforementioned failure of the liberal state, is through the treatment of ethnic identity and national membership as a matter of private concern.

2.2.3 Liberal Citizenship and Private and Public Dimension

Richard Rorty makes the traditional liberal argument in favour of the public and private distinction. Ethnic and cultural considerations Rorty argues, should be left at home, they should “simply be ignored for purposes of designing political institutions.” Ethnic identity, Rorty continues, has “no place, although any individual would be free to live accordingly to his own cultural practices without either interference or subsidy.”²⁶

A similar outcome is derived from Chandran Kukathas’s theory of multiculturalism. Kukathas argues that freedom of association is the fundamental principle that should guide a free society. Two further principles are implied by freedom of association – firstly, the ability to disassociate from a group freely (Kukathas calls it “the principle of disassociation”), and secondly, the mutual respect of all associations (“the principle of mutual toleration”). The liberal state is a political society, which is nothing more than another association. As such, the only authority that the state has is related to the freedom of individuals, which means that its role is to safeguard the aforementioned freedom of association and its two constitutive principles. Therefore, the state can exercise no judgement upon the nature or identity of associations. The state cannot have an opinion about whether an ethnic association is liberal or not, it should merely accept the fact that the culture exists and just

26. Richard Rorty, *Objectivity, Relativism and Truth: Philosophical Papers I* (Cambridge: Cambridge University Press, 1990), 209.

make sure that individual members can disassociate freely from it. In this formulation of liberal theory ethnic identity is a matter personal to the individual, it is not something that has room within the realm of the state. The individual is responsible for their ethnic loyalties and the state ought to exercise no authority over individual choice, since it has no authority to judge the ethnic “choices” of individuals because it would violate their freedom of association, which would go against their freedom of conscience. Freedom of conscience is the ability of the individual to choose what life plan suits them best. If the liberal state forbids any version of the good life, then the state does not treat the individual as *free*. So, when Kukathas says that “the principles of a free society describe not a hierarchy of superior and subordinate authorities but an archipelago of competing and overlapping jurisdictions”, he means that the state should be indifferent towards the ethnic identities of individuals, since they are a private matter – individuals can choose their ethnic allegiances as they can choose to interact with the state or not.²⁷

Rotry and Kukathas, following diametrically opposed routes and fundamentally different justifications, both suggest that ethnic identity is a private matter of the individual. Liberal nationalists challenge this exact conclusion. They argue that traditional liberals, like Kukathas, do not take into account the effect that the liberal state has upon individual identities. The state is not merely another association as Kukathas argues, but rather an overarching structure that affects the individual associations of its citizenry. It affects their attitudes, their loyalties and their identities. Liberal citizenship is not as thin as Kukathas argues. Even if we were to follow Kukathas, then the liberal state as it exists today would be illiberal. This demonstrates that there is indeed a discrepancy between the idealised theory and the non-ideal ap-

27. Chandran Kukathas, *The Liberal Archipelago: A Theory Of Diversity And Freedom* (Oxford: Oxford University Press, 2003), 74-75.

plication of the theory, which is something that liberal nationalists consider central to their defence of nationality.

The private and public dichotomy is by no means particular to liberalism. Marx himself, in his essay *On The Jewish Question*, differentiated between the “universal” and the “egoistical,” between the private and public man. According to Marx, the state should destroy the identities that cause differentiation, because there is a contradiction between the individual as part of a society and the individual as a private being. The latter is eroding the public space that is the civil society and the state. For this reason, Marx was judgemental towards the liberal state for tolerating the private identity of Jews, whilst allowing them to enjoy the privileges of citizenship. The obligations towards the community are in conflict with the obligations towards the state. As such, according to Marx, the state, for reasons of self-preservation, should destroy the Jewish private identity for the common good, in order to avoid an erosion of citizenship, which is something universal and should not be obstructed by private, egoistical considerations, like the ones stemming from a membership to a culture, ethnic group or religion.²⁸

Within liberal theory, the division between private and public is most beautifully exemplified in Locke’s work, specifically in his *Second Treatise of Government* and his *Letter Concerning Toleration*, which were both published in the same year.²⁹ In the latter, he gives a lucid justification of the public/private dichotomy based on toleration and freedom of religion. In the *Letter*, Locke was addressing the conflict between the different Christian denominations that existed in England. Locke suggested that the affairs of the civil government be separated from the affairs of reli-

28. Spinner-Halev, *The Boundaries Of Citizenship: Race, Ethnicity, And Nationality In The Liberal State*, 36-37.

29. John Locke, *Two Treatises Of Government*, Edited by Peter Laslett, Cambridge Texts in the History of Political Thought (Cambridge: Cambridge University Press, 1988 [1689]); John Locke, *A Letter Concerning Toleration* (Indianapolis: Hackett Publishing Company, 1983 [1689]).

gion. This was contrary to Hobbes, who argued that a state needs a uniform religion to function well. Locke's argument was that religious conflict in the public sphere only causes civil unrest, and that the only way to prevent this unrest, was by separating religion and the public sphere, namely civil government. Thus, Locke, suggested to make religion "politically irrelevant" so that peace was safeguarded.³⁰

Spinner-Halev suggested an alternative formulation of the private and public split, which better explains the current situation regarding the ethnocultural bias of the liberal state. According to Spinner-Halev, liberal theorists following Locke have been wrong to insist upon the public-private dichotomy – instead, they should have separated the spheres of interaction based on the trichotomy: private-civil-public. The introduction of the notion of civil society can provide the conceptual means to address the inequalities of citizenship that liberal nationalists employ to justify their claims for group-differentiated rights to ethnonational minorities. Civil society does not have a concrete meaning, but generally it is used to "refer to institutions and associations that are not controlled by the state but that serve the public in many ways, institutions like the media, stores, factories, and corporations."³¹

The introduction of civil society explains how some institutions that are cast as private in the public/private conundrum, become public when understood as parts of the civil society. Institutions like education, religion and employment might not be strictly under the public domain that is reserved by the state, but that does not make them private, because they are communal and affect people's abilities. This is where the principle of non-discrimination should apply, liberal nationalists argue. Non-discrimination is understood as the guarantee that no one is excluded based on their membership to a group, culture or association. Ethnic membership is one

30. Spinner-Halev, *The Boundaries Of Citizenship: Race, Ethnicity, And Nationality In The Liberal State*, 37-38.

31. *ibid.*, 40.

such association, which is public, because it provides a public context within which individuals live their lives, and through which individuals make sense of the world. To restrict religion or ethnicity to the private sphere is to reject the public nature of these associations and the contextual understanding of the individual.

In order to fully grasp the problematic nature of the private and public dichotomy, the understanding of the state needs to be revised. An account of the relationship between the state and the nation is needed in order to explain how the role of the state has changed since Locke's defence of the private and public separation based on tolerance and freedom of religion.

2.3 The State and the Nation

In this subsection, the discussion will focus on the differences of the modern state in comparison to the Lockean conception presented above, analysing the relationship between nationalism and the state, which according to liberal nationalists, is not as contradictory as traditional liberals like to emphasise. The discussion in this part will be about the falsity of the contractual nature of the liberal state. A secondary, underlying argument that will be presented in relation to the communal nature of the liberal state, is that it is itself based on nationalist principles.

In order to understand how unjust structures generate privilege to members of the dominant group, we need to examine how states function in non-ideal contexts, and specifically, how the institutions of the state are used for the purposes of nation building. The case of Cyprus that will be presented in chapter 5 will provide ample examples of how the state can be used to promote the values of the dominant group, thus supporting the view that the liberal state can only be neutral in ideal conceptions of the state, leading to the conclusion that more emphasis is needed on the

non-ideal cases. In this section, the evolution of the concept of nation-building will be outlined, in order to provide a theoretically informed outlook of nation-building, which will precede the subsequent examination of the case of Cyprus.

2.3.1 The Banality of the Social Contract

The modern liberal state, Yael Tamir argues, is not an association based on contract, but rather a community of people sharing similar values.³² The state is perceived through the lenses of the nation, making the nation-state a community of individuals instead of an association; a place that gives structure and resources to the individual, rather than merely a framework of mutual disinterestedness. The state therefore, should not be understood in the traditional minimal understanding that social contract theorists like Locke used, but rather as something more binding and committing; like a group of communities of situated individuals.

Contract implies choice and voluntary membership, yet one is born into the liberal state. If one is the child of two British citizens, that child will by definition be a British National. If one is born a child of two practising Catholics, that child will most likely be a Catholic. If a child is born by two Muslim British Citizens, that child will be, most likely, a Muslim British Citizen. Membership both to states and to cultures is not entirely voluntary, nor entirely a matter of fate. Tamir explains that the traditional liberal distinction between voluntary and involuntary associations is highly problematic. “The liberal tradition,” Tamir argues, “views states as voluntary associations [...] while relating to nations and ethnic groups as communities of fate.” This is mistaken, because membership both to a state and a national culture is of an intermediary nature; it is neither voluntary nor involuntary, since “most individuals

32. Tamir, *Liberal Nationalism*, 130.

are born into a nation and a state, thus making membership in these associations a matter of destiny rather than choice.”

Whilst this is so, liberal states have favoured “birthright over choice as a criterion of membership.”³³ Liberal states grant membership to the offspring of their members, even if the aforementioned offspring has never visited, or expressed any interest in associating with the birthplace of their parents. Choice, in this context, is absent, and birthright trumps any other criterion of membership.

The same applies in cases where individuals challenge the code of conduct (the contractual rules) of the liberal state. Tamir gives the example of a militant anarchist. The liberal state is unlikely to challenge the status of that person’s membership (citizenship) because birthright – the fact that the person in question had the *luck* to be born in the said state – is stronger than choice; it refutes the fact that the militant anarchist *challenges* the foundations of the state. In contractual terms, membership is a matter of consent; a person accepts the terms of the contract as *binding*. If membership to a state were contractual, then those who do not follow the rules of the contract would be breaching the contract, which would automatically mean that their membership would be either suspended or terminated. “Liberals would not agree with the suggestion that there could be circumstances under which the state would be justified in denying citizenship,” and as such, the claim that membership to a culture or a nation differs from membership to a state insofar as the latter is an association and not a community is profoundly mistaken.³⁴

The case of France is illuminating in demonstrating that the modern nation-state is indeed a community that promotes certain cultural values. In France, the scarf affair (l’affaire du foulard) is a long-standing issue regarding the prohibition of

33. Tamir, *Liberal Nationalism*, 124.

34. *ibid.*, 129.

religious clothing in schools. The clash between the French authorities and Muslim scarf-wearing students started in October 19, 1989 when three Muslim girls were expelled from their school in Creil (Oise) by the headmaster of Gabriel-Havez College. The clash continued in November 1996 with the expulsion of further twenty-three girls following the decision of the Conseil d'Etat (French Supreme Court, in November 4, 1989). The Supreme Court decided that wearing religious clothing violates the "principle of *laïcité*," which is a principle whose meaning intersects the concept of secularism and state-neutrality. This 1989 decision of the Supreme Court, caused major social conflicts amongst social actors (teachers, politicians, religious groups, intellectuals and so on), which were further enhanced when the Minister of Education François Bayrou on September 10, 1994 issued what became known as the Bayrou Guidelines, which allowed students to wear "discrete religious symbols" in schools, but excluded the scarf, since it was deemed as an unacceptable religious attire.

The principle of *laïcité* is a national value endemic to France, originating in the republican principles of the French revolution. Hence, as Tamir explains, it reflects their "civic national culture"; a set of *national* values that are endorsed, safeguarded and promoted by the French state, challenging the perceived neutrality of the liberal French state. As Tamir puts it:

The separation of state and religion in French schools reflect their civic national culture... In these cases, refusing individuals the right to express their culture in the public sphere in compliance with the ruling culture compels them to forgo their identity.³⁵

This explains why the French state is more than a contractual association; instead it is

35. Tamir, *Liberal Nationalism*, 54.

a community that promotes a certain set of cultural values. If the liberal state ought to be neutral towards cultural values as traditional liberals argue, then it should be committed to distributing a “fair share of cultural expenditure.” This means that the state should allocate the same funds to the maintenance of minority national cultures as it does for the maintenance of the values of the majority culture. In this formulation of the liberal nationalist argument in favour of rights to national minorities, Tamir provides a justification based on liberal equality and freedom of choice. “This approach”, she argues, “calls for distributing an equal number of cultural vouchers to each citizen, and allowing individuals to consume culture according to each citizen, and allowing individuals to consume culture according to their own preferences.”³⁶

The liberal state, as it has been demonstrated, is not a neutral contractual association but a community of individuals who share institutions that are based on collective values. As such, the state is a nation-state that engages in nation-building practices. That is, it engages in practices that support and promote these collective values, as it has been demonstrated through the example of France. We now need to understand what exactly is nation-building, and how did it take precedence in the liberal state. Hence, in the next subsection, we will discuss how the state came to embody the nation.

2.3.2 Philosophical Origins of the Nation-State

The state and the nation are two concepts that have been combined, creating the modern understanding of the nation-state. The theoretical origins of the nation-state are found in Rousseau’s idea of the general will. Rousseau, in the *Social Contract*, writes:

36. Tamir, *Liberal Nationalism*, 54.

So long as several men united consider themselves a single body, they have but a single will, which is concerned with their common preservation, and the general welfare.³⁷

Rousseau revolutionised the relationship between individuals and authority. The authority lay in the will of the people, and not on the will of a king or a despot. The concept of the “general will” is the self-rule of the people. The people are the state and the state reflects the will of the people. When understanding the state as the embodiment of the general will of the people, those who deviate from the popular will, are challenging the state, and diversity of wills is threatening the welfare of the state, and in effect, the well-being of the people. Rousseau explains what happens when the general will is undermined:

When the social knot begins to weaken; when particular interests begin to make themselves felt and small societies to influence the larger society, the common interest diminishes and meets with opposition, votes are no longer unanimous, the general will is no longer the will of all, contradictions and disagreements arise, and the best opinion no longer carries the day unchallenged.³⁸

Therefore, according to Rousseau, the people are the state, and when the prevailing view of the common good is challenged the state is in jeopardy. This is so, because the state is the nation and the nation embodies in itself a shared understanding of the good. The state therefore, is aligned with the nation, and it encompasses the values and life-plan of the dominant cultural/national/ethnic group. This is why measures need to be taken in order to safeguard the general-will. Those measures are what

37. Jean-Jacques Rousseau, *The Social Contract And Other Later Political Writings* (Cambridge: Cambridge University Press, 1997 [1762]), 121 (bk IV, ch. 1, par. 1-2).

38. *ibid.*, 121-121 (bk IV, ch. 1, par. 4).

we today call “nation-building,” which is the cultivation of a common set of values, ideals and conceptions relevant to a common polity.

The communal aspect of Rousseau’s understanding of the state is described in the final parts of *Emile*, where he provides a reformulation of the political theory advanced in the *Social Contract*. Rousseau might have been a social contract theorist, but his idea of the contract amongst individuals is communal rather than atomistic. This is obvious through his definition of the *body-politic* which, as he describes, is the outcome of the contract.

Each of us puts his goods, his person, his life, and all his power in common under the supreme direction of the general will, and we as a body accept each member as a part indivisible of the whole.³⁹

Rousseau understood that the development of the consciousness of the “general will” was not a straightforward affair and so he introduced the concept of the lawgiver.⁴⁰ The lawgiver is an imaginary perfect man, whose role is to help individuals evolve from the state of nature and enter into a social contract; in effect, the lawgiver is the *deus ex machine* which shows people (the members of a future common state) their common identity and shared interests. The lawgiver will transform the individual from a solitary being, to a member of a community. That community *is* the state. There is no public space beyond the state. The only alternative to the state, according to Rousseau, is the family, which, as it is demonstrated in the raising of *Emile*, provides the moral capacities necessary for the participation to the public sphere.

39. Jean-Jacques Rousseau, *Emile or On Education* (New York: Basic Books, 1979 [1762]), 460.

40. Rousseau, *The Social Contract And Other Later Political Writings*, 68-72 (bk II, ch. 7).

2.3.3 Nation-building

Once the *body-politic* has been identified as the nation and the state as the embodiment of the nation, it is easy to understand how the modern understanding of the state as a *nation-state* emerged. Now, I shall proceed to address the methods employed for the maintenance of the state; methods that have become known as nation-building measures or techniques.

The most lucid description of nation-building comes from the political historian Eric Hobsbawm, who describes nation-building as “a set of practices, normally governed by overtly or tacitly accepted rules and of a ritual or symbolic nature, which seek to inculcate certain values and norms of behaviour by repetition, which automatically implies continuity with the past”.⁴¹ According to Hobsbawm’s version, nation-building relies upon invented traditions; upon the idea that the members of a collective are bounded by a historical and cultural past, whose continuity is maintained through time, and as a result, its continuity to the future is necessary for the maintenance of the self-image of the individual, which is directly related to that of the nation.⁴²

Nation-building cannot be defined as a specific set of policies aimed at the maintenance of a sense of commonness, since different states have promoted different policies of cultivating a sense of common belonging. Therefore, to reduce the concept of nation-building to a set of practices, would be to open the doors for disagreements over its exact nature. For the purposes of this discussion, I take nation-building to be the state-sponsored promotion of policies whose aim is to promote the initial point of commonness of a collective and invent further points of intersection.

41. Eric Hobsbawm and Terence Ranger, *The Invention Of Tradition* (Cambridge: Cambridge University Press, 1983), 1.

42. Yael Tamir, “Nationalism Within The Boundaries Of Liberalism” (PhD diss., University of Oxford, 1988), 64.

I claim that the foremost feature of nation-building is to promote the initial point of reference, because, as Tamir rightly argues, one collective cannot declare itself as a nation merely based on the will of its members. Nationhood derives from something common like religion, history, language or traditions; as such, nation-building is the promotion of one of these features and the invention of new ones. Predominantly, the main aim of a nation-building policy is to “to create the illusion of a ‘natural’ unit with a long, mostly glorious history and a promising future.”⁴³

So far, it has been argued that the liberal state sometimes allows or even promotes illiberal practices and that it frequently implements measures of nation-building. Moreover, that liberal nationalists claim that membership to a state and membership to a cultural group is not qualitatively different, and that the state must guarantee that a fair share of cultural expenditure for all its members was outlined. The liberal state has been presented here not as a neutral contractual association but rather as a community of shared values. As such, the maintenance of the community that is the state, requires measures like the nation-building practices discussed here. These measures, liberal nationalists argue, contradict the vision of the state that traditional liberals depict, since they are based on nationalist principles. The maintenance of a shared commonness is what lies at the heart of liberal nationalism. Liberalism, in this respect, is not contradictory to nationalism because it employs the same practices. This is what will be discussed in the next subsection; liberalism’s hidden nationalist agenda.

43. Tamir, *Liberal Nationalism*, 67.

2.3.4 Liberalism's Hidden Nationalist Agenda

The liberal state according to liberal nationalists is following a disguised nationalist agenda. In §5.3 the case of both north Cyprus and the Republic of Cyprus will be outlined, to demonstrate how both administrations have used the institutions of authority to promote the values of the dominant societal cultures. The case of the Republic of Cyprus will be of particular interest to this thesis, because it is an internationally recognised state, member of the European Union, which is in denial about its biased institutions that favour the Greek Cypriot majority group. In this part, the theoretical routes of the aforementioned denial will be analysed.

Tamir makes the case for the nationalist denial of the liberal state through three questions and two answers. The overarching claim is that liberals lack the normative arguments to explain the loyalty of individuals to their state, and as such, they need a new conception of the individual and a new theory of justice, which accounts for the effects and the importance that community and culture have upon the individual.

Tamir asks, firstly, why does membership to a liberal state rely on birthright rather than choice. Then, she moves on to ask “why do liberals believe that individuals owe political loyalty to their government – as long as it acts in reasonably just ways – rather than to the government that is demonstrably the most just of all,” and thirdly, she asks, why is resource redistribution local, why is it constrained within the boundaries of the liberal state instead of becoming regional or even global? The answer, or the lack of answer, to these questions, demonstrate that there are “national values hidden in the liberal agenda.”⁴⁴

“The liberal vision,” Michael Sandel argues, “is not morally self-sufficient but

44. Tamir, *Liberal Nationalism*, 117.

parasitic on a notion of community it officially rejects”.⁴⁵ The “self-image” of liberalism, he continues, is not adequate to explain the “mutual engagement” liberalism demands from its citizens.⁴⁶ A further problem with the denial to admit the incorporation of nationalist values in the liberal agenda is that there is no explanation of the core of social unity. The Rawlsian justification of unity based on mutual agreement on the principles of justice is too thin; it is not strong enough to explain the origins of the “communal ties and loyalties” required for the maintenance of a highly redistributive welfare state.⁴⁷

Tamir provides two justifications for the embodiment of nationalist principles within the liberal state. These are summarised under the titles “Demarcation” and “Continuity.”

Demarcation: Since liberalism cannot provide a theory of demarcation, it has adopted for this purpose the national ideal of self-determination.

Continuity: In order to sustain its character as a law-abiding and caring community, the liberal state must view itself as a continuous community rather than as a casual association of parties to a contract that could be rescinded at any time.⁴⁸

In order to reconcile theory and practice, liberalism needs to take into account the individual as a situated being, rooted within their culture. Otherwise, one cannot explain why liberals have chosen to focus on the members of a specific society. This is a paradox of liberal membership, one whose lack of justification explains the nationalist underpinnings of the liberal state. Take Rawls’s second principle of justice for example. Rawls argues that inequalities are permissible only when they benefit

45. Michael Sandel, “The Procedural Republic And The Unencumbered Self,” *Political Theory* 12, no. 1 (1984): 91.

46. *ibid.*, 94.

47. Tamir, *Liberal Nationalism*, 118.

48. *ibid.*, 121.

the least advantaged members of a society. Why should we “give priority to the welfare of the ‘least advantaged members of our society’ over the starving children in Ethiopia?” These questions can be answered only through the promotion of alternative nationalistic principles of justice, an endeavour which will be undertaken in the next chapter.

Chapter 3

Multiculturalism and Principles of Justice

Liberal nationalism has been presented as the theoretical ground from which Kymlicka's theory of MC has emerged. In this chapter Kymlicka's departure from the liberal nationalist canon will be explained, to fully grasp how liberal multiculturalism reconciles liberalism and nationalism, and places group-differentiated rights within the domain of primary rights that liberal theories of justice must uphold.

Multiculturalism challenges the core of the liberal state since it questions its fundamental principles of justice. When one questions whether the state must demand that all parents educate their children up to a minimum level, or whether cultural groups should be allowed to shun their members, then the debate becomes one of justice; a questioning of the principles that apply to different social venues. Multiculturalism is all about defining the boundaries of citizenship, which are drawn in reference to the principles of justice.

In this chapter the principles of justice supported by liberal nationalists will be presented, which will then be compared with the dominant theory of justice as it was

originally presented in 1971 by John Rawls who singlehandedly conceived the canon of liberal political theory. What will be argued is that the difference between liberals and liberal nationalists lies in their conceptions of human nature, which normally underpins each theory of justice. Once the two competing approaches to justice are accounted for, we will inquire as to the position of Will Kymlicka. What are the limits of justice that Kymlicka sets? What is the authority of the state regarding cultural minorities according to Kymlicka? Such questions will be brought to the attention of this chapter, and will be explored with reference to different conceptions of justice.

The chapter is responding to the previous one – whilst in chapter 2 liberal nationalism was presented as the basis of Kymlicka's theory, this chapter will examine where Kymlicka departs from liberal nationalism and specifically, the difference between liberal nationalist conceptions of ethnocultural justice and Kymlicka's view regarding the application of principles of justice in cultural affairs. To do so, following the comparison of nationalist and liberal theories of justice, three objections to Kymlicka's application of justice will be presented. In responding to the three questions, the position of Kymlicka regarding ethnocultural justice will be explained in relation to his commitment to liberal autonomy, as was originally presented in the work of John Stuart Mill.

This chapter will thus analyse the ideal principles of MC, as well as how MC relates to theories of justice. This will be useful in later parts, especially §4.2 where Rawls' position on ideal and non-ideal theory will be considered, as well as in §6.1.4 and chapter 7 where Kymlicka's defence of multicultural rights on the grounds of autonomy will be challenged.

3.1 Nationalist Morality and Principles of Ethnocultural Justice

In order to provide an account of the nationalist principles of justice, one needs to discuss the moral principles behind a nationalist theory of justice, and more specifically, its relation to the plurality of comprehensive doctrines. In order to do so, some common misapprehensions must be addressed. Specifically, the distinction between a *liberal* version of nationalism and other generic versions must be highlighted, because it provides the basis of the conception of justice that liberal nationalists want to advance. Cases of non-liberal applications of nationalism will be presented in §6.3 through the examples in Cyprus, and as such the current section is important in teasing out what distinguishes the two types of nationalism, as well as how can the two conceptions of justice – of Rawlsians and liberal nationalists – be reconciled.

3.1.1 Human Nature

Every theory of justice begins with an account of human nature. It discusses how individuals are, and how they socialise with each other. What makes liberal nationalism special is that the communal rights of individuals are placed alongside their liberal individual freedoms. In other words, the stronghold of the nationalism studied here, is that it is liberal. The principles it defends are placed *on top* of liberal principles and the individual is analysed through an additional layer of embeddedness. As Tamir explains, the liberal nationalistic conception of the person, conceives the individual as someone who “embodies both the liberal virtue of self-authorship and the national virtue of embeddedness.”¹ This understanding of human nature ties in-

1. Yael Tamir, *Liberal Nationalism* (Princeton: Princeton University Press, 1993), 33.

dividuality with sociability, bringing together nationalism and liberalism. This new hybrid account of human nature is at the core of liberal nationalism. Any political analysis within this framework, begins with the understanding of the person as a “situated individual”; that is, with emphasis on the liberal rights of the individual, as experienced through his or her membership to a national culture.

Why is the “situated individual” conception of human justice a better basis for a liberal theory of justice, a critique might argue. After all, the history of nationalist movements and nationalistic states is tainted with accounts of suppression of difference, exclusion, and hostility towards pluralism. Liberal nationalists acknowledge the fact that in the name of nationalism, many liberal rights have been historically suppressed. What they claim is that liberal nationalism has nothing in common with the aforementioned nationalisms that are often associated with many historic atrocities. Indeed, liberal nationalism, its proponents argue, provides a conception of citizenship that allows for *more* pluralism than traditional liberal theories allow.

3.1.2 Pluralism in Liberal Nationality

In order to deconstruct the claim that liberal nationality is more pluralistic than traditional liberal citizenship, we need to compare the two. Take for example John Rawls and his idea of the “overlapping consensus.” Overlapping consensus, according to Rawls, is necessary for the stability of the liberal state. Overlapping consensus is the commitment to a common set of principles of justice that all members of a liberal state bind themselves under. These principles might be justified based on the comprehensive doctrines of each individual. Individuals live their lives based on different doctrines. In the Rawlsian overlapping consensus, individuals end up with a list of principles that can all potentially agree with. They start from different standpoints,

having different comprehensive doctrines, but they end up with the same principles of justice. This consensus is neither strict nor perfect; the only condition is that it satisfies what Rawls calls “the conditions of reciprocity.” As he explains, to meet these conditions, “both sides must believe that however much their conceptions of justice differ, their views support the same judgement in the situation at hand, and would do so even should their respective conditions be interchanged”.²

Those who are outside the Rawlsian overlapping consensus are marginalised, liberal nationalists argue. “When membership is based on an overlapping consensus of shared values,” Tamir explains, “those outside the consensus can be marginalised and their membership questioned to the point of turning them into outcasts as was the fate of Communists in the United States.” Contrary to the Rawlsian account of liberal membership that is based on an overlapping consensus, the nationalist membership described here is based on national, cultural, historic, religious or linguistic attributes, which allow for internal disagreements because they do not rely upon normative agreement on any subject. Liberal nationalistic citizenship, according to Tamir, provides plenty of space for “normative diversity” because it is based on history and descent rather than on agreement. Hence, according to this account liberal nationality is more pluralistic than traditional liberal citizenship. This is so, its proponents argue, because national belonging and national membership cannot be dissociated, even when there are extreme clashes upon normative judgements. “Since the roots of unity in national communities are outside the normative sphere, they can accommodate normative diversity, and in this sense be more pluralistic than groups held together by shared values.”³

A further reason supporting the claim that liberal nationalism is pluralistic is

2. John Rawls, *A Theory of Justice*, revised (Cambridge, MA.: Harvard University Press, 1999), 340.

3. Tamir, *Liberal Nationalism*, 90.

its polycentricity; that is, the nationalist perception of a world as made up of different national groups who have particularistic conceptions of the good, who together form an array of nations that differ in context but are similar in respect to the nature of their demands and the value of their cultures. In other words, liberal nationalism is more pluralistic, because every nationalist group believes that every other nationalist group is entitled to exactly the same rights.

This account of citizenship contradicts the liberal depiction of nationalism as exclusionary and selfish. The liberal criticism maintains that each national culture is so predisposed in dealing with its particular demands (for example, focused on the terms of membership and on the external threats to its survival) that has no room to consider anyone beyond its cultural members. In other words, nationalist cultures are seen as indifferent and egotistical. Liberal nationalists do not refute this claim; they acknowledge that this might sometimes be the case, but they explain that what liberals ignore is the pluralistic justification of the particularistic claims of each national culture. The demands of national groups are grounded upon the universal right for self-determination “articulated in the United Nation’s charter in order to gather support and justify their own particularistic struggle.”⁴

Nevertheless, the defence of liberal nationalism as a “pluralist” advanced by Tamir cannot be easily sustained. The majority of liberal nationalists believe that a shared national identity should be based on shared values – contra Tamir who believes that unity in liberal nationalist societies is not based on agreement. And a public culture that relies on a set of shared values, cannot be accommodating to immigrant groups, since the latter will not share the values that underpin the national identity and as such, will be excluded. The response to this objection would be that a public culture based on shared values is preferable over a society that is based on

4. Tamir, *Liberal Nationalism*, 91.

lineage, geography, history and ethnicity, because it would be by definition exclusionary (the argument being that societies based on shared values welcome new-recruits that share the common values and principles, whereas in societies based on history and ethnicity, alien member are excluded from the outset). Thus, these are two contradictory conceptions of liberal nationalism that can both be challenged for not sufficiently respecting plural ways of life. The first because it excludes from the very beginning those that are not members (born into) the national community, and the second, because it excludes people who do not share the common values upon which the public culture is based.

3.1.3 The Morality of Community

Liberal nationalism has yet to persuade of its disassociation with its intolerant past. The way to achieve this is by considering the ethical values of nationalism, what is described as “the morality of community.” The morality of community is not a framework of moral rules that aspires to replace liberal morality. The morality of community is supplementary to liberal morality. It adopts the ethical guidelines of liberalism and applies them to the situated individual. In other words, the liberal nationalistic ethos, respects the liberal individual freedoms, but goes one step further, to recognise the individual as part of the community. The community is important to the individual because it cultivates the moral abilities necessary for the apprehension of liberal values.

A manifestation of this morality is presented through the feeling of euphoria experienced by members of a community for the success of a fellow member. The boost in “self-esteem and well-being” associated with someone else’s success, can be

explained only through the morality of national membership.⁵ Since these remarks are written in the aftermath of the Olympic Games in London, one can more emphatically associate with the feeling of pride for the success of a co-patriot.⁶ Obviously, none of us non-athletes has done anything to deserve the feeling of pride experienced when a member of our country receives a medal, yet we cannot help but feel proud for that person's achievements, as if we somehow contributed to their success. This feeling can only be explained through reference to the community.

The importance of community is not something alien to liberalism. In fact, it is a central theme in John Rawls's *A Theory of Justice*. During his account of the relationship between goodness and principles of justice, Rawls explains that our natural attributes are linked with our sense of justice.⁷ According to his theory, our urge to act justly is tied with our willingness and moral psychological disposition towards giving "justice to those we care for." This disposition is also experienced when we feel sadness or happiness for the successes or failures of those we love. These ties are not limited to our immediate environment of family and friends, since they extend to the community and the institutions that underpin it. As Rawls argues, "in a well-ordered society these bonds extend rather widely"; they encompass our fellow members of a society as well as the institutional arrangements that surround us.⁸

Rawls's emphasis on the importance of communal ties is not as strong as that of liberal nationalists. Tamir argues that it is rather doubtful that positive duties can derive from Rawls's account of community. Nonetheless, it is enough to demonstrate that "when faced with an exclusive choice of alternatives between helping strangers or members of my group – be it my family, my community, or my nation – I have a

5. Tamir, *Liberal Nationalism*, 95.

6. I identify citizenship with nationality for the sake of the analogy, knowing that the one is not proportional to the other.

7. Rawls, *A Theory of Justice*, 496-505.

8. *ibid.*, 500.

stronger moral duty to help those to whom I feel close rather than to help a stranger”.⁹ Hence, Rawls and liberal nationalists are not diametrically opposed in their conception of the individual and the community, since they both emphasise the role of society in the development of the moral imperatives necessary to realise the importance of being just.

3.2 Kymlicka and Liberal Nationalists

The disagreements between Kymlicka and liberal nationalists are not centred on the principles of justice, as it is the case with Rawls and Tamir. Kymlicka does not choose sides in their disagreement, although he is explicit about the importance of culture and about the communal nature of the individual. Instead of engaging in the debate about the principles of justice, Kymlicka stays focused on his conception of liberalism, which follows exactly from the work of John Stuart Mill. In Kymlicka, one can find what J. S. Mill would hypothetically say, were he presented with the contemporary challenges of multicultural citizenship. In order to avoid misrepresenting Kymlicka's position, it is imperative to examine his multicultural theory with reference to the Millian account of liberty. Only through Mill, can we understand his position in relation to intercultural and intracultural justice and respond to the three challenges that liberal nationalists put forward.

In this section Kymlicka's ideal principle of (Millian) autonomy will be presented, before considering, in chapter 4, how practical suggestions – action-guidance – can be extracted from such ideal theories. This will provide the means to then consider in chapters 6 and 7 how an alternative theory of MC can be developed, one that is based on the principle of equality rather than Millian freedom, and one that can

9. Tamir, *Liberal Nationalism*, 90.

be exported to countries like Cyprus, which face challenges different than those in the archetypal multicultural states that theories of MC adhere to.

3.2.1 Three Objections

There are three main theoretical objections levelled by liberal nationalists against Kymlicka. They will be presented in order to be analysed through the Millian conception of liberty, in order to tease out the specific principles that underpin Kymlicka's theory, which will be subsequently challenged in later chapters. In particular, the response to the third objection will provide a clear understanding of the role and the limits of the state as conceived by Kymlicka, whose theory is evaluated in this thesis for the purpose of exporting it.

The first objection comes from Tamir. She argues that although Kymlicka adheres to the liberal values of autonomy and free choice, he mistakenly associates choice with change. Kymlicka, Tamir argues, only sees agency where there is change, and misses all those situations where the active choice of individuals is not to actively change or alter their affairs. The example given by Saba Mahmood is illuminating. Mahmood discusses her encounter with Nadia, a local educated woman in the Egyptian mosque's women movement. Mahmood was shocked when Nadia advised another woman named Sana to consider an offer to marry a man who was already married to another woman. Mahmood documents her discussion with Nadia, who explains that within her culture, unlike the western tradition, an unmarried woman is equivalent to a (socially) disabled person. The discussion of Mahmood with Nadia shows that it is wrong to assume that Sana is merely a passive recipient of an oppressive culture without firstly examining her ability to acknowledge her options. Therefore, one should not assume that Sana lacks agency merely because she refuses

to live socially isolated. This example demonstrates that agency must not be defined in terms of actions against the established norms but rather as the “capacity to realise one’s own interests against the weight of custom, tradition, transcendental will or other obstacles.”¹⁰ Kymlicka, it can be argued, does not have the normative argument to account for the complexity of agency and he rather reduces agency to action against the established norms. This is the first criticism: that Kymlicka does not see any choice when there is no change, missing the complexity of agency.

The following objection comes from Tamir, who argues that Kymlicka does not apply the criteria of justice to intercultural affairs. This is so, Tamir explains, because Kymlicka interprets the right of culture as the right to preserve an authentic version of that culture, at all costs. These costs, which according to Tamir’s reading of Kymlicka, are worth bearing, might involve the sacrifice of the individual rights of citizens. Hence, in defending the communal rights of cultural members, Kymlicka ignores their individual rights, since he fails to apply the liberal principles of justice to intercommunal affairs.¹¹

The third challenge comes from Jeff Spinner-Halev, who argues that the problem with Kymlicka is that his focus on individual rights fundamentally changes the character of minority cultural groups. When Kymlicka discusses culture, Spinner-Halev explains, he engages in a more abstract understanding, where culture is interpreted as a structure and not as content. Kymlicka is engaged in a contradiction – on the one hand, he argues that culture is important since it provides the content of choice for the individuals, yet on the other hand he insists that the liberal autonomy of cultural members is important because it provides the means to examine one’s options, irrespective of whether some cultures do not endorse liberal autonomy. This is

10. Saba Mahmood, “Feminist Theory, Embodiment, and the Docile Agent: Some Reflections on the Egyptian Islamic Revival,” *Cultural Anthropology* 16, no. 2 (2001): 206.

11. Tamir, *Liberal Nationalism*, 48.

contradictory because some cultures are not based on the liberal value of autonomy, or are even based on the refutation of liberal autonomy. Holding liberal autonomy as the foundation of the liberal state can potentially lead to the modification of the very nature of these cultures. The case of the Amish is paradigmatic. If they are guaranteed the strict version of liberal autonomy that Kymlicka promotes, then the cultural content of the Amish culture will change fundamentally. Kymlicka should protect the freedom of exit of people from cultures that he considers *illiberal* and refrain from trying to instil in them liberal ideals. Kymlicka, one could argue following Spinner-Halev, applies his principles of justice to all cultures, irrespective of whether some cultures are not full members to the liberal polity. Cultures like the Amish are *partial* members and as such, it would be unfair to expect them to live up to principles of justice that they do not subscribe to only because the majority of the population cohabiting the same country *chooses* to live by them.¹²

These objections need to be addressed. Does Kymlicka indeed associate choice with change and if so why? Also, how come Tamir and Spinner-Halev interpret Kymlicka's relationship to the principles of justice so differently? Is one of the two mistaken, or have they both ignored something?

3.2.2 Disagreement #1: Individuality and Choice

In order to answer the questions addressed, we need to account for Kymlicka's use of liberal autonomy, as it originated in Mill, whose essay *On Liberty* is considered the foundation of liberal citizenship. In *On Liberty* Mill discusses his ideal of political autonomy, which is the value that Kymlicka treats as central to liberalism.

12. Jeff Spinner-Halev, *The Boundaries Of Citizenship: Race, Ethnicity, And Nationality In The Liberal State* (London: Johns Hopkins University Press, 1994), 95-96. See pp. 95-96 for Kymlicka's distinction between culture and content, pp. 97-98 for partial citizenship, and pp. 98-104 for Amish

The first objection questions whether Kymlicka's understanding of liberal autonomy is synonymous to change. Autonomy, according to Mill, is "liberty of *action*" for all members of a society.¹³ The autonomy of the individual can be violated only when that individual harms any other member of the society. One could argue that action indeed implies change, and as such, the Millian autonomy employed by Kymlicka, is such that dismisses any other kind of agency. This conclusion would be premature, as Mill is very explicit about the nature of harm – both action and inaction can cause harm to others, and as such, an individual can exercise agency by refusing to take direct action towards an end. As Mill explains "a person may cause evil to others not only by his actions but by his inaction, and in either case he is justly accountable for the injury."¹⁴ Since harm can be caused by both action and inaction, what logically follows is that agency, which is indeed one of the causes of harm, is not tied to change, since it can be expressed through passive means. Hence, the first criticism can be refuted from the offset. Nevertheless, further examination is warranted on why such an interpretation, which wants autonomy to be associated with change, has arisen.

Millian liberal autonomy emerges through a criticism of custom. "Society has expended fully as much effort in the attempt (according to its lights) to compel people to conform to its notions of personal, as of social excellence" Mill argues.¹⁵ Mill, in developing his idea of autonomy, was responding to the puritan norms of his age, namely to Calvinist and Augustinian notions of self-control, where the individual was urged to exercise restraint by conforming to the dominant Christian norms. Independent thoughts are lost in the fear of being immoral or irreligious.

13. John Stuart Mill, *On Liberty; With The Subjection Of Women; And Chapters On Socialism* (Cambridge: Cambridge University Press, 1989 [1859]), 13, emphasis mine.

14. *ibid.*, 14.

15. *ibid.*, 16.

Who can compute what the world loses in the multitude of promising intellects combined with timid characters, who dare not follow out any bold, vigorous, independent train of thought, lest it should land them in something which would admit of being considered irreligious and immoral?¹⁶

Mill is not criticising those who do not *change* their opinions. Mill is criticising those who do not even consider what their opinions are, those whose opinion amounts to an unreflective appropriation of the dominant (at the time religious) social norms.

I do not mean that they choose what is customary, in preference to what suits their own inclination. It does not occur to them to have any inclination, except for what is customary.¹⁷

The only way to get out of this is through originality, which can only exist through individuality. The Milleian ideal person, is one which self-develops; those who have the capacity to evaluate their options, and act accordingly. The action might be *inaction*, yet it is a choice nonetheless. The origin of the confusion of the association of autonomy and change lies in the fact that custom is often an obstacle to individual autonomy, because the individual is oppressed in the name of the survival of the collective spirit. “Individuals are lost in the crowd” and public opinion is “collective mediocrity” Mill argues. Mill’s political project was the creation of a conception of the state whose powers would be restricted enough, so that the individual will have room to self-develop, and avoid, or overcome, what he called the “tyranny of opinion” that rules society.¹⁸

16. Mill, *On Liberty; With The Subjection Of Women; And Chapters On Socialism*, 35.

17. *ibid.*, 61.

18. *ibid.*, 66-67.

Individuality is so fiercely guarded by Mill, because only through individuality, can the three foundational freedoms be maintained. These freedoms are firstly, liberty of conscience: the freedom to think, feel, form an opinion or sentiment about any subject; secondly, liberty of tastes and pursuits: the freedom to plan our life as we see fit and to pursue our goals irrespective of the opinion of others, provided that we do not cause them any harm; and finally, the liberty of association of individuals: the freedom of individuals to unite for any reason other than to cause harm.¹⁹

If we don't question our affairs, we live by false doctrines. This is why individuality is important; because it enables individuals to search for the truth. For individuality to flourish, a society needs to be governed by an open attitude towards *diversity of opinion*. That is, it needs a public sphere where deliberation will take place freely, and where opposite opinions will be exchanged. No opinion is to be classified *a priori* as false, and most importantly, no opinion is to be silenced because it contradicts the popular sentiment. The overall Millian project, as presented in *On Liberty*, is aiming at guaranteeing *liberty*; at establishing that no person will be silenced because he holds views that are objectionable, no person would be silenced because he is considered sacrilegious or immoral, and no person will be restricted in any form and for any other reason besides the avoidance of harm to others. If, therefore, we interpret the position of Kymlicka in relation to change and agency through the Millian prism, then the objection is not sustained.

Mill's view *On Liberty* and his emphasis on respecting diversity of opinion will be a central theme of the remainder of this thesis, which will argue, in §5.4, §6.2.2, and chapter 7, following Mill, that a process of recognition needs to be established in order to guarantee that minority cultures will not be silenced by dominant majorities. This argument will be defended in §5.4 and §6.3 through the examples

19. Mill, *On Liberty; With The Subjection Of Women; And Chapters On Socialism*, 15-16.

of the minority cultures found in Cyprus, where silencing through constitutional misrecognition has led to the assimilation of the diverse characters of the cultures found in the island.

3.2.3 Disagreement #2: Diversity, Truth and Intracultural Justice

Why is diversity of opinion important though? Why should citizens in liberal countries put up with doctrines that seem obviously false? What is the added value of “allowing” opinions that might be false to be exchanged in society? In answering these questions it is important to understand why Kymlicka is willing to allow *illiberal* cultures within the liberal state, in order to subsequently address whether Tamir is right in accusing Kymlicka of failing to apply the liberal principles of justice to the internal affairs of cultures.

The reason both Kymlicka and Mill are willing to allow obviously false opinions relate, most importantly, with the quest for truth. “To refuse a hearing to an opinion, because they are sure that it is false, is to assume that *their* certainty is the same thing as *absolute* certainty,” Mill argues.²⁰ Every opinion must be heard, and every opinion must be examined. Even fallible opinions are products of judgement, and good judgement is the product of criticism. A good judgement is the realisation of the potential of being wrong. The “assumption of infallibility” is to refuse the individual to exercise his or her judgement.

It is important to allow potentially false opinions, because truth does not manifest itself in absolute form. There are no absolutely true or absolutely false opinions. Two opinions can be similarly true, yet not quite true enough to take an absolute form, but because the one might be popular in society, it will be perceived

20. Mill, *On Liberty; With The Subjection Of Women; And Chapters On Socialism*, 21.

as definitely true, and will be contrasted with the other opinion, to demonstrate the latter's fallibility. As Mill notes,

such being the partial character of prevailing opinions, even when resting on a true foundation, every opinion which embodies somewhat of portion of truth which the common opinion omits, ought to be considered precious, with whatever amount of error and confusion that truth may be blended.²¹

This is why the state must maintain the right of all individuals to think freely, and express their thoughts without any fear of condemnation. The state needs to maintain these freedoms, because it is the nature of mankind to be single-sided. The human mind is not trained to seek the truth in everything; rather, humans tend to pick sides and stick to them. Diversity is necessary in order to overcome this barrier of human thinking.

The relationship of diversity and truth as advanced by Mill, is one that addresses truth not as a matter of verification or falsification of opinion, but rather as a matter of antagonism. This is why the state needs to guarantee the diversity of opinions and not *a priori* condemn them. As he says,

Truth, in the great practical concerns of life, is so much a question of the reconciling and combining of opposites, that very few have minds sufficiently capacious and impartial to make the adjustment with an approach to correctness, and it has to be made by the rough process of a struggle between combatants fighting over hostile banners.²²

This is underpinning Kymlicka's treatment of cultural groups. He refuses to label cultures as illiberal and employ the coercive mechanisms of the state to suppress

21. Mill, *On Liberty; With The Subjection Of Women; And Chapters On Socialism*, 47.

22. *ibid.*, 49.

them. Similarly to Mill, he sees utility in diversity. Most importantly, they both share the belief that false doctrines, once exposed to criticism and scrutiny, will go away since truth will prevail. If we use the means of the state to suppress the opinions that we might consider false, we will not eradicate them; they will rather be disguised in another socially acceptable form. They will be excluded from the public sphere of judgement, and will not be given the chance to be proven wrong. As Mill says “our merely social intolerance kills no one, roots out no opinions, but induces men to disguise them, or to abstain from any active effort for their diffusion.”²³

One can criticise Kymlicka for having a rather naïve perception of the power of truth, but not for being unwilling to apply the principles of justice to the communal affairs. After all, the individual rights of the people, what was addressed above as the Millian liberty (liberty of conscience, of tastes and pursuits, and of association), is guaranteed at all venues, whether in the family, the culture, or the state-level. It is the foundational principle of Millian liberty, and as such, does not differentiate amongst the varying venues of interaction. If one harms his family, then the state is allowed to restrict that person’s liberty. The same would apply to a cultural elite that might harm a cultural member. Or, to use Mill’s example, one will not be prosecuted because he likes to get drunk all the time, but rather will be prosecuted if, because of drinking, fails to take care of his family.²⁴ Drinking is an individual choice and therefore an individual right. The individual can make his or her own choices, and live with the consequences. A person is accountable for his bad actions, not because society disapproves of them, but because those actions might cause harm to other members of the society. The principle of harm applies to all venues of society, and as such, it is unfair to say that considerations of justice are absent from Kymlicka’s

23. Mill, *On Liberty; With The Subjection Of Women; And Chapters On Socialism*, 34.

24. *ibid.*, 82.

version of cultural membership.

Moreover, there is another issue that is central to Kymlicka's theory, which again originates in Mill, and which demonstrates Kymlicka's consideration of the principles of justice in cultural affairs. This is freedom of exit, which is central to both Mill and Kymlicka. Mill, in discussing slavery, and specifically the right of a person to sell himself, declares that "it is not freedom, to be allowed to alienate his freedom." One cannot deny the freedom of freedom, and as such, safety mechanisms must be in place to guarantee that a person who is a voluntary member of an oppressive collective, has the right to disassociate from it any time he wants. This is central to the case defended here. An individual is allowed to enter, or continue to participate in an association that might restrict some foundational liberal freedoms; Kymlicka allows this as long as the *freedom of exit* of the individual is guaranteed, and as long as the *principle of harm* is upheld. These two guarantees are substantial and are not negative freedoms. In the exchange among Kymlicka and Kukathas, Kymlicka differentiates between the formal freedom of exit advocated by Kukathas, and a more active version, what he called *substantive* right of exit, where the state indeed takes action to accommodate the right of individuals to depart from their cultural context.²⁵ Hence, to argue like Tamir that Kymlicka does not take any measures to guarantee that principles of justice are applied to intercommunal affairs, is to neglect the nature of Kymlicka's theory; to neglect the fact that Kymlicka does not want to violate the Millian liberties of the people by prohibiting their right of association.

25. Chandran Kukathas, "Are There Any Cultural Rights?," *Political Theory* 20, no. 1 (1992): 105–139; Will Kymlicka, "The Rights of Minority Cultures: Reply to Kukathas," *Political Theory* 20, no. 1 (1992): 140–146; Chandran Kukathas, "Cultural Rights Again: A Rejoinder To Kymlicka," *Political Theory* 20, no. 4 (1992): 674–680.

3.2.4 Disagreement #3: Education and Cultural Content

If Tamir is wrong to argue that Kymlicka does not apply the principles of justice to cultural groups, does that mean that Spinner-Halev was right? Spinner-Halev's criticism of Kymlicka was that the latter interfered too much into cultural affairs. Kymlicka, according to Spinner-Halev, by placing demands of liberal citizenship upon illiberal cultures like the Amish, changes the content of their culture, and in consequence affects the identity of the culture at a foundational level. This question can be answered again, through reference to the Millian autonomy that underpins Kymlicka's thought. To address the question, we need to reflect on the relationship between the demands of liberal citizenship (like, for example, the demand that all children receive a certain level of education) and the effects of such demands upon the diversity of cultures (how these demands affect the particular identities of ethnic groups).

Diversity is linked to improvement; the more diverse opinions exist in the society, the more chance there is to get to the truth. The paradox of diversity is that it eventually leads to *less* diversity. Different opinions are being scrutinised, some of them accepted as true, others exposed as false. People are rational agents who want to learn the truth, and as such accept true opinions as true doctrines. Whilst diversity of opinion leads individuals closer to the truth, at the same time, by generating "undisputed truths," leads to less divergence of opinion, and in consequence less originality and individuality. Mill expressed his scepticism as follows:

though this gradual narrowing of the bounds of diversity of opinion is necessary in both senses of the term, being at once inevitable and indispensable, we are not therefore obliged to conclude that all its conse-

quences must be beneficial.²⁶

He is critical of the assimilation of opinion that results from the refutation of false doctrines. This worry is shared by Spinner-Halev, who argues that if the liberal state exposes cultures to liberal values, then their cultural content will be altered irrevocably. If, for example, cultures are forced to expose their traditional doctrines to the scrutiny of liberal autonomy, then the individual cultural members might reject (totally or partially) those doctrines and either change their culture, or become alienated from it.

This argument seems to suggest that the Millean autonomy is synonymous with the adoption of a specific set of liberal values, which are contradicting the cultural values of the individuals. This would be a misguided conclusion. Kymlicka, following Mill, is not trying to force people to adopt a specific way of life. The Millean liberal autonomy is strict about how important it is to teach children the “results of human experience.”²⁷ This does not mean that individuals are forced to accept the outcomes of human experiences. It is up to them “to find out what part of recorded human experience is applicable to [their] own circumstances and character.” Traditions and customs are the result of human experience. Individuals must have knowledge about these experiences so that they can assess them. They can interpret them in a way contradictory to the customary understanding, or they can decide that they are not suited for them. On the other hand, they can accept them as true, following an examination of their validity. The problem is not centred around cultural values, or on customs and traditions. When a custom is accepted as an outcome of choice and reflection, it is beneficial to individual because they exercise their critical faculties. The problem is not the acceptance of the custom, but rather the acceptance of a

26. Mill, *On Liberty; With The Subjection Of Women; And Chapters On Socialism*, 45.

27. *ibid.*, 58.

custom *because* it is a custom.²⁸

Spinner-Halev seems to be making a valid criticism. The requirement to have knowledge of the human experiences seems like an imposition from outside. The Millian demand for autonomy seems to be violating the communal rights of individuals by altering their cultural content. As it will be henceforth explained, this is not the case.

Mill, in devising the concept of liberal autonomy, was aware of the threat of assimilation that bearers of non-dominant opinions were under. He was aware, like Spinner-Halev is, that the popular social norms become the default view, which are then imposed upon individuals (or cultures) through a variety of different mechanisms. The mechanisms of assimilation are the establishment of unified education, the innovation in communications, the popularisation of commerce, and most importantly of all, the promotion of the dominant opinions by the state. Mill comments on the endorsement and promotion of the popular social norms by the state accordingly:

A more powerful agency than even all these, in bringing about a general similarity among mankind, is the complete establishment, in this and other free countries, of the ascendancy of public opinion in the State.²⁹

This assimilation is exactly what Mill tries to avoid in his ideal society. His version of autonomy is one that promotes liberty without violating the individuality of citizens, and most importantly, one that favours (and even prohibits) the imposition of public opinion upon other people. This awareness is underpinning Kymlicka's treatment of illiberal cultures. He shares the Millian view that no community or culture,

28. Mill, *On Liberty; With The Subjection Of Women; And Chapters On Socialism*, 59.

29. *ibid.*, 73.

whatever its size or power, “has a right to force another to be civilised.”³⁰ Kymlicka’s unwillingness to force people to abide by liberal values is what motivated Tamir’s earlier criticism. Spinner-Halev’s criticism (that Kymlicka is making demands upon cultures that alter their cultural content) originates in the fact that liberal autonomy demands that individuals are aware of their options; an awareness that is only achieved through knowledge of the experiences of mankind.

Spinner-Halev is making a fundamental mistake in failing to differentiate between enforcing an opinion through imposition, and trying to alter an established opinion through persuasion. Kymlicka, following Mill, is very careful not to intervene in illiberal cultures so that he does not violate the liberty of individuals. A society bound by the value of liberal autonomy, is one that is not allowed to intervene and impose one’s opinion upon others. There is a qualitative difference between trying to influence people to forego a habit from banning the practice altogether. Mill gives the example of gambling to demonstrate this point. If a state considers gambling to be wrong, that state is not allowed to prohibit its citizens from gambling, as it would violate their individual right to gamble. Provided that they harm no one but themselves, the state has no power of intervention. Such intervention would be a clear violation of the autonomy of individuals. What the state can do is to prohibit the creation of public gambling houses.³¹ Hence, the state can only indirectly discourage the conduct that it considers questionable. It can use its powers of non-intervention to persuade individuals, but it cannot use its powers of coercion to impose a ban upon individuals.

There is one domain though, where persuasion takes a more substantial form, and which might warrant Spinner-Halev’s criticism that Kymlicka intervenes in mi-

30. Mill, *On Liberty; With The Subjection Of Women; And Chapters On Socialism*, 92.

31. *ibid.*, 100.

nority cultures, specifically the non-liberal ones. This is the relation between state and education, or, to be more precise, the requirement of the liberal state for a minimum level of education of all its citizens. The fact that the state requires (forces, according to some) education of its youngest members is a violation of the communal right of their parents to refuse the education of their children following their cultural traditions. Before the issue of education is addressed and before a judgement is cast on whether Kymlicka violates the communal rights of individuals, it is necessary to first reflect upon the communal protections that liberal autonomy guarantees.

Firstly, the individual is recognised as a communal being; a premise that, as discussed in chapter 2, is not accepted by many traditional liberals. According to Mill, “no person is an entirely isolated being; it is impossible for a person to do anything seriously or permanently hurtful to himself, without mischief reaching at least to his near connections, and often far beyond them.”³²

Secondly, the individuality, which is so central to Millian autonomy, is justified in *communal utilitarian* terms. Individuality is not an atomistic feature; rather, it is the means that would make an individual useful to society. As he argues, “in proportion to the development of his individuality, each person becomes more valuable to himself and is therefore capable of being more valuable to others.”³³

Finally and most importantly, the Millian liberal autonomy that is endorsed by Kymlicka makes the right to community central to liberty. Individual liberty, Mill argues, “implies a corresponding liberty in any number of individuals to regulate by mutual agreement such things as regard them jointly, and regard no person by themselves.”³⁴ This means that the right to reach a mutual agreement on anything that does not harm others is *part of* liberal autonomy. As long as freedom of exit

32. Mill, *On Liberty; With The Subjection Of Women; And Chapters On Socialism*, 80.

33. *ibid.*, 63.

34. *ibid.*, 102.

is guaranteed, then individuals are free to engage in whatever sort of association (cultural or otherwise) they see fit. As Mill explains, “uncontrolled freedom of action [...] requires that those who become bound to one another, in things which concern no third party, should be able to release one another from the engagement.”³⁵

If liberal autonomy protects the individuality of persons by prohibiting the state from intervening in their affairs, then why does Spinner-Halev argue that the Millian autonomy, as endorsed by Kymlicka, alters the content of cultures which are not subscribing to liberal citizenship? The answer lies in education. In order for citizens to be able to assess their options, they must be educated in a way that cultivates their critical faculties whilst at the same time they gather knowledge about humanity’s past experiences. This concept of informed choice through education is central to liberal autonomy and has been key to the disagreements between nationalists and liberals. This is where the heart of the disagreement between Spinner-Halev and Kymlicka lies. If the Amish are expected to “expose,” their children to liberal education, then the core of Amish culture, which is based on the rejections of modern means of life, would be undermined, goes the argument.

To address this argument one needs to examine what kind of education is required for an individual to meet the standards of liberal autonomy; that is, reflection is warranted upon the correct content of educational material according to liberal autonomy. The detailed requirements of education need to be addressed, because failure to do so leads to the misinterpretation of the requirement of education, and inadvertently to the wrong conclusion that parents are forced to enlist their children into mainstream liberal or secular schools. This is not what Mill is advocating. Mill does not want a universal state-run system of education. Nor is he advocating for an alternative system of home-schooling. What he prefers is for the responsibility

35. Mill, *On Liberty; With The Subjection Of Women; And Chapters On Socialism*, 102.

for the education of children to lie with their parents rather than with the state. If the state is responsible for the provision of education, then the state would provide identical education to all its students, irrespective of their needs or desires. This would hinder their individualism by suppressing their originality. A unified system of education would be a backlash to the diversity that is so central to Mill's political project. Instead, Mill wants the parents to be responsible for deciding where would they like to educate their children. Additionally, the parents are also the ones to choose whether their offspring will be taught a specific religion. Hence, it is ultimately a parent's decision where and what will be taught to their child. The only requirement placed upon them by the state, is that the child must pass yearly tests administered by the state, in order to confirm that the parents are meeting their responsibility for educating their child. As was mentioned before, the education provided must guarantee that the student has sufficient knowledge of the world and a sufficiently cultivated ability to critically evaluate competing or complementary options.

This is of course a substantial requirement. It is important to note though, that the state is *not* putting a barrier to what the children or the parents are allowed to teach; rather, it introduces a minimum threshold for making autonomous choices. The state is also *not* enforcing any opinion upon its students. In fact, Mill is very emphatic about the potential of endorsing an opinion as true without exposing it to scrutiny. Even if an opinion is true, he argues, and even if it has been proven true after examination of all existing evidence and contradictory views, it should not be considered absolutely uncontested, since it will stop being "a living truth" and will become "a dead dogma."³⁶

This attitude towards diversity and individualism is what underpins educa-

36. Mill, *On Liberty; With The Subjection Of Women; And Chapters On Socialism*, 37.

tion in a society based around the value of liberal autonomy. Education can promote values through persuasion or through force. Only persuasion is accepted in the Millian state. Self-regarding values should be cultivated only through education; one that is based on “disinterested benevolence” rather than on force or might. As Mill explains

education works by conviction and persuasion as well as by compulsion, and it is by former only that, when the period of education is past, the self-regarding virtues should be inculcated.³⁷

Diversity is important even in education, thus putting limits on the intervention of the state. The state, according to liberal autonomy, is not allowed to “bias the conclusions of its citizens on disputed subjects.”³⁸ Its only function is to make sure that the students have the ability to make decisions for themselves.

Spinner-Halev’s objection has therefore been addressed. Whilst education is a substantial demand laid upon cultures, one that could potentially alter their character, it is by no means as intrusive as Spinner-Halev makes it in his criticism. The education that Millian liberals like Kymlicka promote, is such that allows for contradictory life-plans to flourish. Contrary to what Spinner-Halev suggests, Millian autonomy does not promote sameness, and does not force cultural members to abide by the dominant liberal norms. Diversity, individuality and originality, are the means to progress, and as such, are the principles guiding the educational system in a society organised around the value of individual autonomy.

The liberalism of Mill, which inspired a liberal like Kymlicka, and which is central to this thesis has now been sufficiently addressed. It will underpin the subsequent discussion in the remainder of this thesis, where the role of the liberal state, of

37. Mill, *On Liberty; With The Subjection Of Women; And Chapters On Socialism*, 76.

38. *ibid.*, 107.

the educational system and most importantly, of the constitution, will be addressed in relation to those values, to examine how liberal multiculturalism can be exported beyond its dedicated contexts, and specifically to Cyprus.

Chapter 4

From Theory to Practice

This chapter examines how political theories can be used to provide policy-relevant suggestions known as action-guidance. A methodological examination of the merits of Rawls' ideal framework is conducted, comparing it to Sen's alternative comparative approach. A hybrid framework is then provided, called the *Reciprocal Model*, that reconciles the two methods, allowing for empirical facts to alter the foundational assumptions of ideal theories.

To this end, this chapter will be divided into five different sections. The distinction between idealisation and abstraction will first be addressed. Abstractions are permissible because they enable political theorists to make sense of complex situations and idealisations and not because they distort reality or human nature. In the second section the main idealised assumptions of Rawls' theory will be addressed since Rawlsian-type ideal theory became the de facto framework upon which political theorists, Kymlicka included, develop their theories. In the third section the focus will shift to action-guidance to question whether ideal theory and action-guidance is a contradiction in terms, before proceeding, in section four, to discuss the practical dimension of the transition from the ideal to the non-ideal. In the fifth and last

part, the *Reciprocal Model* will be presented – a novel methodological account of the transition from the abstract to the practical. The model will be used throughout the remainder of this thesis, in explaining how facts (empirical observations) can influence the fundamental characteristics of a theory. The *Reciprocal Model* is novel in that it allows for the evaluation of philosophical principles by empirical facts during the design of a theory that aspires to provide action-guidance.

It is only through a detailed step-by-step account of the transition from the ideal to non-ideal level that one can begin to contemplate how theories that were developed with specific contexts in mind, can be exported to different areas, an endeavour which will be attempted in chapters 6 and 7, where MC will be revised accordingly to enable its application to the case of Cyprus. Without this mapping of the ideal/non-ideal spectrum, it would be impossible to decide what parts of the original theory need to be revised.

4.1 Idealisation and Abstraction

4.1.1 Useful and Bad Idealisations

Multicultural Citizenship is the field of political theory that addresses the challenges of diversity that modern societies face. As such, it is the discipline that provides principled theoretical responses to claims of self-government, recognition, and special treatment. The role of a multicultural theory is to explain the limits of the power of the government, the obligations that it has towards the majority and minority cultures that reside within its bounds, and the rights that minority cultures can rightfully claim. The role of theory in multiculturalism is to provide the principles on which to base these decisions. As a consequence, the theory of multicultural citizen-

ship is both *ideal* and *action-guiding*.

It is ideal because it abstracts from the complexities of contemporary societies in order to test the different principles that will later be used to guide practical action. A theory that is abstracted might assume certain qualities that individuals in real societies lack for the purposes of simplifying the analysis. One such assumption often used in the context of ideal theory, especially in theories of justice, is that of full-compliance. Full-compliance is the assumption that all individuals will comply with the requirements of justice; an assumption that is obviously false since people might object or partially comply with them.¹ The purpose of these abstractions is to simplify the analysis in order to make it manageable.

How should one distinguish between useful and bad idealisations?² Onora O'Neill distinguishes between theories that abstract from reality in order to reduce complexity and theories that do not.³ The former are abstractions and the latter idealisations. Abstractions are useful, idealisations are not. The theories that make abstractions from reality are successful insofar as they don't idealise reality or human nature. Ideal theories are successful when they abstract but not when they idealise.

Abstraction according to O'Neill is "a matter of bracketing, but not of denying, pred-

1. For example see John Rawls, *A Theory of Justice*, revised (Cambridge, MA.: Harvard University Press, 1999). As Brennan and Pettit argued: "Throughout his career, Rawls continued to exemplify and promote ideal-world rather than real-world normative theory. His vision may not have been entirely utopian – witness his line on equality of resources – but it did abstract from the problem that almost any set of principles for the organisation of society, and certainly any principles of justice, are going to be burdensome for its members and so are not going to attract universal compliance." Geoffrey Brennan and Philip Pettit, "The Oxford Handbook of Contemporary Philosophy," in *The Feasibility Issue*, ed. Frank Jackson and Michael Smith (Oxford: Oxford University Press, 2007), 260.

2. "Bad" for the purpose of applying them to real societies. Political theories, as Lawford-Smith pointed out, have other functions beyond action-guidance, therefore to label them "useless" would be mistaken, despite it being the antonym of "useful". See Holly Lawford-Smith, "Debate: Ideal Theory – A Reply to Valentini," *The Journal of Political Philosophy* 18, no. 3 (2010): 357–368.

3. Onora O'Neill, *Towards Justice And Virtue* (Cambridge: Cambridge University Press, 1996), 38–44; Onora O'Neill, "Abstraction, Idealization and Ideology in Ethics," in *Moral Philosophy And Contemporary Problems*, ed. J.D.G. Evans (Cambridge: Cambridge University Press, 1988), 55–69.

icates that are true of the matter under discussion”.⁴ Idealisation, on the other hand, is when “an assumption, and derivatively a theory, [...] ascribes predicates – often seen as enhanced ‘ideal predicates’ – that are false of the case in hand, and so denies predicates that are true of that case.”⁵

4.1.2 Should Political Theorists Consider Empirical Facts?

Even though not everyone agrees with the distinction of useful and bad idealisations, or the distinction of idealisations and abstractions, the view that some abstractions are more useful than others is now commonplace. The challenge now is to find ways to assess the effectiveness of these abstractions and find ways to extract practical-action-guidance from ideal theories. This is often referred to as the ideal-to-nonideal transition.⁶ It is important to explore the dynamics of this transition – the knowledge gathered here, will then be employed to assess the non-ideal applicability of MC, as well as its exportability; namely, to consider what assumptions need to be revised in order for a theory to apply to contexts beyond those intended by its authors, as will be the case with MC, whose application will be considered not with UK, US, Australia, Germany, France and Canada in mind, but rather with Cyprus, which diverges significantly from the aforementioned dedicated examples.

The belief that there are useful and bad abstractions is only commonplace between theorists that believe that philosophy should have “some impact on reality.”

4. O'Neill, *Towards Justice And Virtue*, 40.

5. *ibid.*, 41.

6. The two most relevant discussions on the transition from ideal to non-ideal theory can be found in the work of Ingrid Robeyns, “Ideal Theory In Theory And Practice,” *Social Theory and Practice* 34, no. 3 (2008): 341–362 who discusses the transition, arguing that injustices should be factors in our theory far before their non-ideal application. Also Zofia Stemplowska, “What’s Ideal About Ideal-Theory,” *Social Theory And Practice* 34, no. 3 (2008): 337–338 explains that there is no real conflict between ideal and non-ideal theories – the work of Rawls, she explains, contains both aspects of ideal and non-ideal theorisation.

For instance, Jonathan Wolff urges fellow theorists to pay “more attention to issues of transition” in order to systematise the process of extracting practical suggestions from idealised theories.⁷

On the opposite side, we find theorists like G. A. Cohen who do not accept that political philosophy should aim at providing practical suggestions. “The question for political philosophy” he famously argued, “is not what we should do but what we should think, even when what we should think makes no practical difference”.⁸

For the purposes of this chapter, there will be no engagement with “pure” theorists like Cohen. Instead the focus will be placed upon theorists that aim to provide some sort of action-guidance.⁹ Thus, this chapter will limit its scope to theories that abstract rather than idealise reality; theories that bracket out certain features of everyday life, in order to make the systematic consideration of competing values more manageable by temporarily reducing the complexity of settings of social and political interaction.

The purpose here is to work out a practical application of what David Miller describes as “philosophy for earthlings”; philosophy that needs to be sensitive “not only to general facts about the human condition but also to facts of a more specific kind, facts about particular societies, or types of societies.”¹⁰ Nevertheless, there will

7. Jonathan Wolff, “Fairness, Respect and the Egalitarian Ethos,” *Philosophy and Public Affairs* 27, no. 2 (1998): 113.

8. Gerald A. Cohen, “Facts and Principles,” *Philosophy and Public Affairs* 31, no. 3 (2003): 243.

9. This kind of hyper-ideal fact-insensitive “pure” theory raises questions that are even more difficult than the questions raised by other types of ideal theory” argues Robeyns. Similarly, Laura Valentini, distinguishes between fact-sensitive and fact-insensitive theories, deciding to preoccupy herself with the former, excluding theories like those of Cohen. Valentini writes: “Before proceeding further, let me then refine the target of my investigation, and distinguish, following G.A. Cohen, between two types of theorising about justice, both of which are present in contemporary liberal egalitarian thinking: fact-sensitive and fact-insensitive.” See Laura Valentini, “On The Apparent Paradox Of Ideal-Theory,” *The Journal of Political Philosophy* 17, no. 3 (2009): 334 and Robeyns, “Ideal Theory In Theory And Practice,” 343.

10. David Miller, *Justice For Earthlings: Essays In Political Philosophy* (Cambridge: Cambridge University Press, 2013), 18.

be a departure from Miller in regards to his distinction between the ideal and the non-ideal level. Miller supports a top-down approach to normative theory where the basic principles are designed in isolation to empirical facts. According to Miller, empirical considerations are factored in a theory during its application and only to determine how far each principle should apply to that theory. Miller argues that:

the basic principles of political philosophy are to be established without reference to empirical questions. But in order to apply these basic principles and come up with some practical rules for ordering society, we have to bring in factual evidence about the kind of society in which the principles are going to be applied. Empirical evidence about the society will determine, for example, how far each of the basic principles can be implemented.¹¹

This top-down approach does not allow for the empirical facts to alter the principles of the theory. Miller is therefore half-right. He is right insofar as he allows for considerations of human nature and social venue to be accounted for at the normative level, but not so right when he shields the principles of ideal theories from empirical evaluation at the level of their design.

To put it slightly differently, it is not clear whether empirical facts can have an impact on the normative design of the theory, and if so, how that process would unfold. Even though Miller argues that normative principles are fact-dependent, it is not clear what to make of theories that have been designed with a specific social context in mind, yet they are exported to other contexts where the social norms or the political circumstances are different.¹² As it will be evident in chapter 6, exporting

11. Miller, *Justice For Earthlings: Essays In Political Philosophy*, 17.

12. All we get from Miller is the argument that: [...] “We can see directly how a principle depends on the truth of certain claims about the human condition without having to explain this dependency

a normative theory of multiculturalism beyond its dedicated contexts without first revising its normative assumptions, can lead to the marginalisation of the minority cultures that the theory wants to protect.

Having discussed the difference between abstraction and idealisation, the distinction between useful and bad ideal theory should by now be clear. The two next issues to be addressed are fact-sensitivity and empirical considerations of normative political theories. The ideal/non-ideal considerations present in the work of Rawls will be presented, to illustrate how an ideal theory can incorporate considerations of human nature and political organisation in its ideal-level design.

4.2 Rawls and Ideal Theory

Everyone that deals with political theory has at some point come across the work of John Rawls, one of the most influential philosophers of the previous century. In this section his work will be used as an example of an ideal theory, to illustrate how a theory can be both ideal and fact-sensitive. This will be the prelude to the main theme of the chapter, which is how to extract action-guidance from an ideal theory.

4.2.1 What makes Rawls' ToJ ideal?

Rawls considers his *Theory of Justice* to be an ideal theory. A theory is ideal insofar as it considers the principles that would govern “a perfectly (or nearly perfectly) just society,” what Rawls describes as a “well ordered society.”¹³ Non-ideal theory is

in utilitarian or quasi-utilitarian terms. Or to make the same point from the other side, principles reflect facts because by applying a principle of a certain kind – justice or liberty, say – we presuppose, usually tacitly, that the context in which we apply it displays certain empirical features.” Miller, *Justice For Earthlings: Essays In Political Philosophy*, 27.

13. Adam Swift and Zofia Stemplowska, “Rawls On Ideal And Nonideal Theory,” in *A Companion to Rawls*, ed. Jon Mandle Reidy and David A. (Wiley-Blackwell, 2014), 112; Rawls, *A Theory of Justice*, 8.

theory that considers what principles to “adopt under less-happy conditions.”¹⁴

It is important to avoid the simplistic interpretation of this division. To argue that injustices should be completely absent from an ideal theory since it is impossible to include injustices in a perfectly just society would be mistaken. Rawls takes into account “social and economic inequalities,” which make up his second principle of justice.¹⁵ In this sense, then, Rawls’ theory is fact-sensitive. It takes into account certain realities of everyday life, like social and economic inequalities and puts them at the core of his theory.

Rawls has created an ideal theory that works beyond real societies. Rawls admits from the outset that his theory is confined to the “basic structure of society” and therefore it is not directly applicable to real societies. The departure from real societies is marked by his three fundamental assumptions. These assumptions are labeled as: (a) *strict compliance*, (b) *favourable conditions*, and (c) *absence of natural limitations and accidents of life*.

- (a) *the assumption of strict compliance*: that “(nearly) everyone strictly complies with [...] the principles of justice”.¹⁶
- (b) *the assumption of favourable conditions*: the conditions that will “make a constitutional regime possible”;¹⁷ conditions that are “determined by a society’s culture, its traditions and acquired skills in running institutions, and its level of economic advance (which need not be especially high), and no doubt by other things as well.”¹⁸

14. Rawls, *A Theory of Justice*, 216.

15. John Rawls, *Justice As Fairness: A Restatement* (Cambridge, MA.: Harvard University Press, 2001), 42-43.

16. First seen in Rawls, *A Theory of Justice*, 7-8, quote from p. 13.

17. Rawls, *Justice As Fairness: A Restatement*, 101.

18. John Rawls, *Political Liberalism*, expanded (New York: Columbia University Press, 2005), 297.

(c) *the absence of “natural limitations and accidents of human life”*:¹⁹ the assumption “that persons and citizens have all the capacities that enable them to be cooperating members of a society”²⁰ – abstracting away conditions such as childhood and disabilities.

It is important to note that Rawls’ three idealisations are not what Simmons describes as “idle utopianism”; as Stemplowska and Swift explain, Rawls is describing a “realistic utopia,” an “achievable world.”²¹ His abstractions only serve the function of temporarily bracketing complications of real-life; issues that can be considered at a later stage without altering the theory. Rawls is clear about the function of his abstractions. To argue otherwise, would be to support that a perfectly just society can only be attained if children and people with severe mental disabilities (abstraction c) are somehow removed from society, which is an obviously ludicrous conclusion.

Rawls’ importance in this debate goes well beyond his theory. His framework of conducting political philosophy has dominated the discipline. It is of great importance for the purposes of this thesis, since it is the basis upon which liberal multicultural theories are constructed. Rawls provides an elaborate discussion on how to extract action-guidance from ideal theories, explaining the limits of the ideal and its function in guiding action in real societies. According to Rawls, ideal theorisation is necessary in providing guidance for non-ideal thinking, firstly, by identifying the goal and the final target that non-ideal theorisation should aim for and secondly, for prioritising the urgency of the inequalities present in real societies, thus providing

19. Rawls, *A Theory of Justice*, 215

20. Rawls, *Political Liberalism*, p.20

21. A. John Simmons, “Ideal And Nonideal Theory,” *Philosophy and Public Affairs* 38, no. 1 (2010): 8. Swift and Stemplowska, “Rawls On Ideal And Nonideal Theory,” 115 point to Rawls and explain that “the depicted world is ‘achievable’ when, among other things, it coheres with ‘the actual laws of nature’ and when its principles are ‘workable and applicable to ongoing political and social arrangements’ (PL, 12-13).” This realistic utopia “must thus describe a society that is ‘feasible and might actually exist, if not now then at some further time under happier circumstances’ (PL, 12).”

the means to decide which inequalities to tackle first at the non-ideal level.²²

4.2.2 Epistemological and Practical Philosophy

Many have challenged the fact-sensitivity of Rawls' work and his (un)willingness to consider the application of his theory beyond the ideal level. Colin Farrelly, for instance, asks "how can the principles of justice that are (arguably) appropriate in a scenario where concerns of patriarchy, global poverty, healthcare, multiculturalism and reasonable pluralism do not arise by the same principles of justice that are appropriate in a society where such concerns do arise?"²³ Charles W. Mills asks a different question along the same lines. Why, he asks, did Rawls "in the thirty-plus years up to his death," never preoccupy himself with the "injustices of partial compliance," which he considered a "pressing and urgent matter? [...] Why was this promised shift of theoretical attention endlessly deferred, not just in his own writings but in the vast majority of his followers?"²⁴

The aforementioned two criticisms are misguided because they fail to take into consideration the distinction between "epistemological" and "practical" interests of political philosophy.²⁵ Epistemological are the inquiries that aim to find "the truth about justice" and practical are the considerations that are "action-guiding and justice-promoting" rather than "(merely) truth-seeking."²⁶

22. Rawls, *A Theory of Justice*, 13 describes how ideal theory describes a well ordered society that should "provide some guidance in thinking about nonideal theory, and so about difficult cases of how to deal with existing injustices. It should also help to clarify the goal of reform and to identify which wrongs are more grievous and hence more urgent to correct."

23. Colin Farrelly, "Justice in Ideal Theory: A Refutation," *Political Studies* 55 (2007): 848. He also adds that: "Rawls; principles of justice they do not deal with the issue of making reasonable trade-offs between different primary goods" (p. 852) and that "even the most affluent liberal democracies cannot escape a cost-benefit analysis of protecting fundamental rights and freedoms." (p. 853).

24. Charles W. Mills, "'Ideal Theory' As Ideology," *Hypatia* 20, no. 3 (2005): p.8.

25. Adam Swift, "The Value of Philosophy in Nonideal Circumstances," *Social Theory and Practice* 34, no. 3 (2008): 363–387.

26. *ibid.*, 366–367.

Swift takes issue with the sort of practical action-guidance the critiques like Farrelly and Mills demand of political philosophers. Epistemological considerations and action-guidance are not mutually exclusive, he explains. To satisfy critics like Farrelly and Mills, a political theorist is expected to be a social scientist. This is not the sort of action-guidance that we should be expecting from political theorists. Swift explains. “Philosophy provides the careful conceptual and evaluative thinking needed to rank the options that social science tells us to be within the feasible set”, he argues, and “only by bringing the two approaches together can we sensibly judge what to do.”²⁷ It is therefore problematic to expect political philosophers to also be social scientists, like Mills and Farrelly seem to suggest.

Although Swift is right to suggest that political philosophers and social scientists need to work together, it is not clear how this collaboration should take place and indeed the cases where the two disciplines interact are, if not rare, then a celebrated minority of the overall cases.²⁸ The question then becomes, what kind of action-guidance should one expect from political philosophers, and to what extent should considerations of feasibility, compliance and implementation influence our normative principles? In the next section these questions will be addressed.

4.3 Action-guidance in Theory

In this section the spatial relation between normative principles and action-guidance will be addressed. The top-down approach will first be outlined, before proceeding to the comparative. In the next section, the discussion of how to practically think of the

27. Swift, “The Value of Philosophy in Nonideal Circumstances,” 369.

28. Celebrated because high-profile philosophers that discuss practical issues, like animal rights and environmental justice are famous examples of such collaborations, yet do not represent the majority of political philosophy.

transition from the ideal to the non-ideal will take place where the theoretical part of action-guidance will be addressed; how Rawlsian top-down ideal-to-nonideal transition is challenged by Sen's comparative approach.

4.3.1 Top-down Approach Through Metaphors

Rawls and his followers adopt a top-down approach. They move from the ideal form of a just society to the non-ideal application of the principles generated from it. They provide guidance to non-ideal action in two ways: firstly, they identify the desirable outcome that non-ideal theorists aim for and secondly, they provide a systematic framework for the evaluation of what injustices non-ideal theorists should tackle first.

Robeyns and Stemplowska provide metaphors that explain this relationship between ideal and non-ideal, illustrating how action-guidance can derive from ideal theories. Imagine a “mythical *Paradise Island*,” Robeyns invites the reader, one that no one has ever visited.²⁹ There is no precise map of how to get there; we only have a rough idea. We know that it's the perfect island, the perfect destination. Searching for the route to the paradise island is the action-guiding function of ideal theory. It provides the ideal and then we need to figure out how to get there.

Stemplowska uses the metaphor of the perfect partner to make the same point. It is good to have an idea of what a perfect partner should look like, not only in order to recognise one or to avoid psychopaths, but rather, “because such reflection, when

29. Robeyns, “Ideal Theory In Theory And Practice,” 345 explains: “We dream of going there, and ask ourselves how we could get there, and in which direction we should be moving in order to eventually reach Paradise Island. [...] It gives us the direction in which we should be moving to reach a (minimally) just society, or a society that is just with respect to a particular domain. In other words, whether partial or comprehensive, ideal justice allows us to determine whether (partial) justice is achieved. Ideal theory specifies a number of conditions that have to be met before we consider a certain state of affairs as just.”

done properly, helps us understand which seeming vices might be virtues (even an ideal partner would have them), and which vices, even if unavoidable among the available candidates, are truly regrettable.”³⁰

The two metaphors have in common an ideal image that we, the incomplete non-perfect humans, look up to and benefit from, either because we navigate in the direction of the perfect island, or because we know which qualities to look out for in searching for partners. The characteristic of this approach is its top-down nature.

Amartya Sen is a critic of this approach. He argues that we should abandon the search for perfect justice (or partners, or islands) and rather focus on improving our existing circumstances. He condemns the top-down approach and argues for a comparative one, that aims at mitigating existing injustices rather than envisioning a perfect society without injustices.

4.3.2 The Comparative Approach

Amartya Sen calls Rawlsian-inspired ideal theories “transcendental theories” and traces them back to the work of Hobbes. He argues that transcendental theory is neither *necessary* nor *sufficient*.³¹

Firstly, on raising the *sufficiency* criticism, he asks “is the specification of an entirely just society sufficient to give us rankings of departures from justness in terms of comparative ‘distances’ from perfection, so that a transcendental identification might immediately entail comparative gradings as well?” In other words, with ideal theory one knows what the best scenario is. Yet, the knowledge of the best (“transcendental’ right”) cannot explain how to evaluate principles in comparative situa-

30. Stemplowska, “What’s Ideal About Ideal-Theory,” 337.

31. Amartya Sen, “What Do We Want From A Theory Of Justice,” *The Journal of Philosophy* 103, no. 5 (2006): 218. Sen expanded his view of comparative justice in his 2010 book *The Idea of Justice*.

tions – how to decide which choice is *better*?; one only know which choice is best.³² Sen uses the analogy of paintings. The fact that one considers Mona Lisa to be the best painting in the world, tells her nothing in deciding whether Gauguin is better than Van Gogh. As Sen argues: “the search for transcendental justice is an engaging exercise in itself, but irrespective of whether we think of transcendence in terms of the gradeless ‘right’ or in the framework of the graded ‘best,’ it does not tell us much about the comparative merits of many – indeed typically most – of the different societal arrangements.”³³

Secondly, on the necessity criticism, Sen argues against “totalist” theories, like that of Rawls, where “incompleteness tends to appear as a failure, or at least as a sign of the unfinished nature of the exercise.”³⁴ Instead, Sen argues that incompleteness should be a feature of any theory. As he explains: “Incompleteness may be of the lasting kind for several different reasons, including unbridgeable gaps in information, and judgmental unresolvability involving disparate considerations that cannot be entirely eliminated, even with full information.”³⁵ In other words, Sen argues that in an imperfect world one should not be looking for perfect theories. It should be both legitimate and desirable to have theories that are incomplete, since life involves conflicts that cannot be resolved, situations where perfect knowledge is lacking, and many other obstacles that might prohibit us from forming perfect judgment.

32. Sen, “What Do We Want From A Theory Of Justice,” 221.

33. *ibid.*, 331.

34. *ibid.*, 223 Also see Amartya Sen, “Consequential Evaluation and Practical Reason,” *The Journal of Philosophy* 9 (2000): 477–502; Amartya Sen, “Incompleteness and Reasons Choice,” *Synthese* 140 (2004): 43–59.

35. “Since a theory of justice invokes agreement between different parties (for example, in the ‘original position’ in the Rawlsian framework), incompleteness can also arise from the possibility that different persons may continue to have some differences (consistently with agreeing on a lot of the comparative judgments). Even after vested interests and personal priorities have been somehow ‘taken out’ of consideration through such devices as the ‘veil of ignorance,’ there may remain possibly conflicting views on social priorities, for example in weighing the claims of need over entitlement to the fruits of one’s labour.” Sen, “What Do We Want From A Theory Of Justice,” 223–226.

An intermediate position is more appealing. Sen is right that in some cases ideal theory does not allow the evaluation of competing values in non-ideal contexts, like for instance in the examples with the paintings that was presented above. Also, he is right that in some cases a comparative method might be more suitable than a “totalist” approach. He is wrong in arguing that ideal theory is unnecessary, for he assumes that the two methods are mutually exclusive, which as will be demonstrated in §4.4 is not the case.

The issue of necessity that Sen raises is important to address. Is ideal theory necessary, and if not, then should one abandon the Rawlsian approach? The answer to this question should be negative. Ideal theory, for reasons that will be explained immediately, is necessary, although, comparative elements of non-ideal implementations should be integral parts of the initial theory design and not something that is deferred to the good will of social scientists, who given the disciplinary boundaries, rarely bother with such theories.

An example given by Cohen might be of use to this discussion, since it illustrates the usefulness of ideal theory.³⁶ In his book, *Why not socialism?*, Cohen describes a camping trip and explains how socialist principles are most appropriate for that specific setting. He realises that these principles might not be applicable to general society for reasons of feasibility, human nature, or poor social technology³⁷ but registers his agnosticism on what the future bears – whether future people will

36. I understand that Cohen has attacked Rawls for his fact-sensitivity, hence the ‘irony’. The example is useful in illustrating the usefulness of ideal theory altogether, not of distinguishing (at least here) what sort of ideal theory should we preoccupy ourselves with. See Gerald A. Cohen, *Why Not Socialism?* (Princeton: Princeton University Press, 2009)

37. Cohen explains: “The camping trip’s confined temporal, spatial, and population scale mean that, within its confined, the right to personal choice can be exercised, without strain, consistently with equality and community. But while that can happen in the small, we don’t know how to honor personal choice, consistently with equality and community, on a large scale. But I do not think that we now know that we will never know how to do these things: I am agnostic on that score.” *ibid.*, Section IV, pp. 53-79, quote from 76.

be able to apply or not apply the principles of the camping trip to a greater (socially wide) scale. It is important to have such theories, if only to examine as alternatives when the existing paradigms fail. It is important, on the one hand to have these theories, and on the other hand, to assess them at the non-ideal (comparative) level, in order to reject them for the time being.

To have the one without the other is equally problematic. To reject ideal theory and only adopt a comparative approach, means that one is locked in the existing paradigms – Elster coined the term “adaptive preference formation” but it can also be found outside philosophy, by social scientists which talk about “discursive institutionalism” and “ideational novelties.”³⁸ On the other hand, to have highly abstract ideal theories without subjecting them to empirical scrutiny and evaluation risks applying principles to facts that yield undesirable outcomes. We need to devise an extra step where we subject our ideal principles into empirical and practical scrutiny.

To this end, in the next section the gradual abstraction and binary abstraction theses will be presented; two alternative accounts of the transition from ideal to non-ideal theory that will demonstrate how different theorists have tried to explain the relationship between ideal principles and their non-ideal applications. The two views that will be briefly discussed adopt different understandings of the practical side of this transition. The most preferable of the two methods will be decided in the next section, in order to proceed to the one after it to consider how they can be amended to include a bottom-up scrutiny to abstract ideal principles. In doing so, a new understanding of the transition that diverges from the two theories will be presented, called the *Reciprocal Model*, which will subsequently guide how theories

38. Martin B. Carstensen, “Conceptualising Ideational Novelty: A Relational Approach,” *British Journal of Politics and International Relations*, 2013, 1–14; Vivian A. Schmidt, “Taking Ideas And Discourse Seriously: Explaining Change Through Discursive Institutionalism As The Fourth “New Institutionalism”,” *European Political Science Review* 2, no. 1 (2008): 1–25; Jon Elster, *Sour Grapes: Studies In The Subversion Of Rationality* (Cambridge: Cambridge University Press, 1983).

of MC can be exported to post-violent conflict cases like Cyprus.

4.4 Action-guidance in Practice

In this section two accounts of how the transition from the ideal to the non-ideal is made will be presented, and as such, how action-guidance can be extracted from ideal theories. The discussion revolves around two conflicting views. The first approaches the transition from the ideal to the non-ideal level as a move from a complete and finite conception of an ideal to its direct practical application; a view that will be called the binary abstraction thesis. On the opposite side, lies the gradual abstraction thesis, which understands the relationship between the ideal and the non-ideal level as a gradual relationship. It will be argued that what makes the gradual abstraction thesis more appealing, is its conception of ideal theory as incomplete; one cannot extract direct policy-relevant guidance without considering the non-ideal implications. The binary thesis on the contrary, considers the ideal level as a complete and independent stage, which is capable of providing practical suggestions.

4.4.1 Binary Abstraction

Valentini has tried to resolve what she called “the apparent paradox of ideal theory,” which is expressed as follows: “(a) Any sound theory of justice is action-guiding. (b) Any sound theory of justice is ideal. (c) Any ideal theory fails to be action-guiding.”³⁹ In formulating this paradox, Valentini is responding to the challenge that is considered here; namely, how to extract action-guidance from ideal theories and how to assess the success of these theories. In addressing this issue she uses the standard examples of Dworkin’s *Sovereign Virtue* and Rawls’ *A Theory of Justice* to argue that

39. Valentini, “On The Apparent Paradox Of Ideal-Theory,” 333.

these two theories are successful because they remain intact when applied to non-ideal situations.⁴⁰ The ability of a theory to survive the transition from the ideal to the non-ideal level without fundamentally altering its principles is what makes it successful according to this view.

Valentini contrasts her two successful examples with Rawls' *The Law of Peoples* and Kymlicka's *Multicultural Citizenship*.⁴¹ These two theories are failed ideal theories, she argues, because the facts that are abstracted at the ideal level "cannot be re-introduced at the level of their application while leaving the theories intact."⁴² Her thesis, which will be called the *binary abstraction* thesis, tests the consistency across theory and application; that is, it evaluates the success of a theory based on whether it is applying its ideal principles at the non-ideal level.⁴³

Kymlicka's treatment of illiberal cultures lies at the centre of Valentini's critique. The unwillingness of Kymlicka to intervene and protect the autonomy of the individual citizens who are members of such illiberal cultures seems paradoxical to Valentini, who interprets it as an abandonment of his ideal principle.

In order to address this criticism one needs to examine the rationale behind Kymlicka's policy of non-intervention. Kymlicka is not merely arguing that the liberal state should not get involved with the affairs of illiberal cultures. If he were to suggest that, he would have held the position that non-intervention facilitates the

40. Rawls, *A Theory of Justice*; Ronald Dworkin, *Sovereign Virtue: The Theory And Practice Of Equality* (Cambridge, Mass.: Harvard University Press, 2000).

41. John Rawls, *The Law Of Peoples, With "The Idea of Public Reason Revisited"* (Cambridge, MA: Harvard University Press, 1999); Will Kymlicka, *Multicultural Citizenship: A Liberal Theory Of Minority Rights* (Oxford: Clarendon Press, 1995).

42. Valentini, "On The Apparent Paradox Of Ideal-Theory," 353.

43. For a response to Valentini, see Lawford-Smith, "Debate: Ideal Theory – A Reply to Valentini." Lawford-Smith refuted all three of Valentini's propositions. I do not address Lawford-Smith's criticisms because my specific interest is with theories that aim at providing action-guidance. I do not object that ideal theories have other functions besides action-guidance – e.g. being explanatory, justificatory or comparative. *ibid.*, 559-361 Neither do I object that "there may be multiple ideals" or that "there can be 'better' words without there being a 'best' word" *ibid.*, 361-262.

survival and flourishing of illiberal cultures, which is an undesirable outcome, considering that they could gain enough supporters and potentially erode and dismantle the liberal state. If Kymlicka were indeed arguing this, then the criticism that he has abandoned his commitment to autonomy would be valid.

What Kymlicka suggests is two-fold. First, there is the underlying view that it is impossible to fundamentally alter people's beliefs. One cannot alter significantly the behaviour of grown adults that are set into their ways. The challenge is to change the attitudes of the new generations. This seems to be underlying Mill's account of autonomy that Kymlicka is endorsing as well. In the later parts of Mill's essay *On Liberty*, Mill is focusing on cultivating "self-regarding virtues" through education and in that way promotes his ideal of freedom. The first point then should be that change and liberalisation is not something that can or should be imposed but rather something that is part of a gradual process that spans through time.

The second point that underpins Kymlicka's support of non-intervention is that institutional change, the creation of institutions that promote diversity, will gradually influence the members of illiberal cultures. Kymlicka is clear that interaction with a liberal polity is a process that alters cultural traditions and cultural contexts. It is for this reason that it is important that the state guarantees the survival of societal cultures. Without the active support of the state, the process of interaction is one that imposes the view of the majority culture upon the minority ones.

In the case of illiberal cultures, both majority and minority cultures accept the values of liberalism and as such will inevitably influence the illiberal minority. In Kymlicka's account, the liberal minorities are guaranteed the survival of their culture by the state. That is, they are protected from the cultural assimilation of the dominant majority. The liberal state does not have such obligations towards illiberal cultures. If they are not supported they are left exposed to a process of gradual liber-

alisation through interaction with the rest of the society. It is therefore mistaken to say, as Valentini did, that Kymlicka abandons his ideal principle of autonomy, since non-intervention means the continuation of the process of interaction between liberal and illiberal cultures that will lead to the latter's liberalisation. Therefore, by refusing to directly intervene, Kymlicka promotes autonomy through gradual liberalisation by interaction without violating other liberal values (like freedom of conscience). What the analysis of Kymlicka's two-fold commitment suggests is that he provides an account of an active social process that facilitates the promotion of liberal values; a conclusion that goes contrary to Valentini's assessment that Kymlicka passively accepts illiberal cultures by abandoning his commitment to autonomy.

In refusing to directly intervene in the affairs of illiberal cultures, Kymlicka is applying the non-ideal considerations of feasibility, implementation and weighting of different values to his ideal theory. Had he advocated for direct intervention, he would have violated illiberal cultures' freedom of association and freedom of conscience. Moreover, rather than altering their views in favour of liberal values and practices he would have reinforced a reactionary attitude, pushing them towards a more fundamentalist position of defence, thus empowering their hostility towards liberalism.

4.4.2 Gradual Abstraction

Andrew Mason provides a different account of abstraction that contrasts Valentini's *binary account*.⁴⁴ Instead of understanding the ideal to non-ideal transition as a two-step process of theory and application, he makes a threefold distinction between the levels of analysis of an ideal and treats the shift from theory to practice as a gradual

44. Andrew Mason, "Just Constraints," *British Journal of Political Science* 34, no. 2 (2004): 251–268.

multi-levelled process. This view will be called the *gradual abstraction* thesis, which contrasts Valentini's *binary abstraction* view. According to Mason, at *level 1*, principles are discussed in their most abstract sense and are not subject to any feasibility constraints. The only constraint is that they do not place unreasonable demands on individuals. At *level 2*, constraints of feasibility and limitations of human nature are factored in the design; in other words, worries of implementation and political psychology are to be taken into account. The final *level 3* is divided into two stages. In the first stage, the relational position of the principle under consideration is examined, where the principle is weighted with other principles in order to position it next to or in opposition to them. Then in the second stage of *level 3*, the principle under consideration is balanced with other principles in light of feasibility constraints. As Mason argues "moving from the first level involves increasing the number of constraints that are taken into account."⁴⁵ The transition from the first to the third level of theorising resembles the transition from the ideal to the non-ideal level. What is unique in Mason's account is that he quantifies abstraction. According to Mason's gradual abstraction thesis, abstraction is a matter of degree and not merely a matter of fact where you either abstract or you don't.

The gradual abstraction view is more appealing, since it accepts that there is more to action-guidance than what Valentini suggested. A theory cannot just pass or fail the action-guidance test. Action-guidance is both a *matter of degree* and a *matter of kind*. As one can see through Mason's three levels, there are varying degrees of abstraction, where in each level more real life considerations are entered into the equation. An absolutely action-guiding theory is one that is ready to be applied to policy, after having analysed the practical implications of its application and weighted all the opportunity costs involved and all the external consequences that

45. Mason, "Just Constraints," 265.

its implementation might cause.

4.4.3 Human Nature and Different Kinds of Action-guidance

Two classificatory remarks need to be reiterated at this point, before further addressing the transition from the ideal to the non-ideal and back to the ideal. The first, is a clarification with a proviso on Mason's *level 1* where fact-insensitivity is endorsed and the second, has to do with the kinds of action-guidance that referred to here.

Mason, in his *level 1*, follows G. A. Cohen, in claiming that political philosophy can be done without reference to constraints of human nature. There are no particular reasons to object to this, given that a proviso is made that for the extraction of action-guidance human-nature considerations need to be factored into the theory. Mason's *level 1* is what was discussed above as fact-insensitive theorising. For the purposes of this chapter, a discussion of fact-sensitive and fact-insensitive theories will be avoided.

Firstly, because Pogge's criticism of Cohen has been persuasive enough. Cohen argued that "all principles that reflect facts reflect facts only because they reflect principles that don't reflect facts, and the latter principles form the ultimate foundation of all principles, fact-reflecting principles included."⁴⁶ Pogge explains that "one can be clear-headedly committed to fact-sensitive principles without also being committed to fact-insensitive ones," through an elaborate discussion that I will not reproduce here.⁴⁷

Secondly, because fact-insensitive theorising can take place at a step prior to

46. Gerald A. Cohen, *Rescuing Justice and Equality* (Cambridge, Mass.: Harvard University Press, 2008), 254 argued that all fact-sensitive principles in the end fall back to a fact-insensitive principle. Cohen didn't actually provide an argument but rather a dare for anyone to prove him otherwise. Here I am not particularly interested in this discussion since I focus on practical action-guidance that needs to factor in considerations of human nature, implementation, feasibility constraints and so on.

47. Thomas Pogge, "Cohen To The Rescue," *Ratio* 21, no. 4 (2008): 475.

the one that this thesis is preoccupied with. For instance, a Rawlsian theory, based on Mason's three-step typology of abstraction, would feature in *level 2*. Theories that start at *level 1* are not troubling for the purposes of this thesis, insofar as they pass through the next steps before they provide practical action-guidance. Likewise, there is no objection for philosophers who refuse to engage with facts altogether, as long as they don't claim that their theories are action-guiding. As Lawford-Smith aptly explains in her response to Valentini, political theories have various functions beyond action-guidance; for instance they can do "explanatory, justificatory, and descriptive work," without aiming at being action-guiding.⁴⁸

A small reservation remains though, about whether there can be fact insensitive theories, or whether fact insensitivity is merely selective fact reliance; whether philosophers that engage in that sort of theorizing are cherry-picking the facts that they want to include in their theories. The cherry-picking referred to here can be explained as follows. A theorist that engages in fact-insensitive theorising chooses to isolate some facts about a certain condition, in order to examine her principles at that controlled abstract environment. In other words, the philosopher, very much like scientists in laboratory experiments, sets up her variables. For example, a variable usually set at the controlled abstract setting that the philosopher conducts her experiment in is full compliance. The philosopher places an entity loosely related to humans – humans have this innate tendency not to comply fully with (shared) rules and principles – in that controlled setting, through the declaration of variables that regulate both the attributes of the abstract human and the setting of the interaction of those hypothetical beings.

The problem is that all variables left undeclared are, inevitably, filled in by experiences present in the human world; the world that the reader is part of. Even

48. Lawford-Smith, "Debate: Ideal Theory – A Reply to Valentini," 358.

in cases where a variable is declared, the specifics of that variable are still dependent upon the experiences of the reader. For instance, if a theorist invites her readers to imagine a world invaded by aliens who took humans under captivity, the mental image of aliens that readers construct in their head, relies on the visual images they have stored by watching movies and other cultural illustrations of how aliens supposedly look like. Similarly, the Gods in Ancient Greek mythology, are all anthropomorphic, sharing the same physical and emotional characteristics of human beings, illustrating the point defended here: that without an extensive definition of all the abstract variables, humans tend to fill in the gaps through references to their own experiences.

Thus, it is not clear how absolutely fact-insensitive theories can exist without spending thousands upon thousands of pages declaring all the variables associated with that imaginary world, if at all possible. Yet the potential of there being such theories remains open, but is set aside as something that is not relevant to the current inquiry.

The second classificatory remark pertains to the kind of practical action-guidance that is being discussed. As it was outlined above, Adam Swift has distinguished the practical action-guidance that philosophy can give from the action-guidance that the critics of ideal theory demand, his argument being that cooperation and division of labour is needed between political philosophers and social scientists. To satisfy the critics of ideal theory the philosopher must become a social scientist, which is neither possible nor desirable according to Swift.

Swift is right in suggesting that more cooperation is needed between political philosophers and social scientists, yet he has been too eager in his dismissal of the critics of ideal theory. To ask a philosopher to give policy-relevant suggestions does not entail turning her into a social scientist. The current debates on climate justice,

for instance, illustrate how philosophers can produce high quality theories whilst taking into consideration practical challenges and limitations.⁴⁹ The factual considerations are factored into the design of the theories, which predominantly aim at providing solutions for existing (or future) problems emerging through climate change, or to provide principled responses to how to distribute the costs associated with climate change. Examples with real effects, in need of real solutions, situated in the real world with all its constraints and limitations, could be the basis of the discussion, and abstraction can take place only to simplify those scenarios in order to derive principles that should guide action towards resolving the problems.

The example of climate justice is indicative of the action-guidance relevant to this thesis; one that can take into consideration basic characteristics of human nature, feasibility constraints, problems of scarcity and issues implementation, before providing policy-relevant suggestions.

Having discussed the function of idealisation, the consideration of constraints of human nature and real-life, along with the roadmap to action guidance provided by Mason and Valentini, the account that will be adopted by this thesis will be developed. The distinguishing characteristic of the method, called the *Reciprocal Model*, is its ability to use empirical facts to scrutinise and potentially modify the principles of an ideal theory. The case of Cyprus will be used in the next chapters to illustrate how the facts of a case can call for the revision of the abstract assumptions and principles of a theory.

49. For example, see Simon Caney, "Two Kinds of Climate Justice: Avoiding Harm and Sharing Burdens," *Journal of Political Philosophy* 22, no. 2 (2014): 125–149.

4.5 *The Reciprocal Model*

In the previous sections, Valentini's suggestion as regarding how to evaluate the success of the action-guiding abilities of an ideal theory was outlined. Ideal theory is successful insofar as it maintains its ideal-level principles at the non-ideal level, Valentini has argued. This view assumes that the distinction between the ideal and the non-ideal practical level is binary and distinct. In this section, a contrasting view will be offered; one that considers the relationship between ideal theory and its non-ideal implementation as a continuum. It will be argued that the continuum involves traveling back and forth, rather than adopting a sequential, step-by-step, approach. This disagreement is a significant one, as it puts the view defended here at odds with the majority of political theories; the orthodox view is to treat the ideal level as (a) the necessary starting point of any normative theory and (b) one that cannot be revised once the steps from the ideal to the non-ideal is taken. The argument presented here will contradict both these points, taking the view, firstly, that one can formulate a consistent theoretical view from empirical observation that can then lead to the formulation of normative principles, and secondly, that these principles are not immune to further empirical scrutiny. Contrary to the orthodox Rawlsian view, it will be maintained that non-ideal considerations should be able to do more to a theory than merely condition the extent of the application of its principles.

Although Mason's gradual abstraction thesis is attractive, it will be reformulated in such a way as to allow for the reconsideration of assumptions made at the ideal level, right after these assumptions are confronted with empirical facts. The theorists thus far discussed have all objected to this view, either explicitly or implicitly. Cohen explicitly rejected the object of rethinking ideal-level assumptions in light of empirical facts by arguing that his theory might suit a different setting than

the one challenged by empirical realities (e.g. the camping trip) and Rawls rejected it implicitly by describing how non-ideal considerations can only limit the application of his ideal principles.⁵⁰ Yet, for the purposes of this thesis these views are problematic since they do not allow for the exportability of theories beyond their dedicated contexts.

Mason argues that the only limitation at the highest level of abstraction (*level 1*) of an ideal theory is the avoidance of placing unreasonable demands on individuals. Mason, in his *level 1*, follows Cohen's distinction of what an ideal theory looks like and does not include limitations of human nature. The starting point of the *Reciprocal Model* will be the moment when considerations of human nature are factored into the design of the theory. Hence, in the discussion of the model, the highly abstract level described by Mason in *level 1* will be left out.⁵¹ The *Reciprocal Model* includes the potential of empirical facts to alter the foundational assumptions of a theory. It is thus not called "gradual" since it does not assume a gradual process where distinct steps are taken in a sequence. It is called the *Reciprocal Model* in order to emphasise the departure from the orthodox top-down sequential view of ideal to non-ideal transition, and highlight the bottom-up aspect of it, where empirical facts can potentially alter ideal-level assumptions. The *Reciprocal Model*, whose various steps and loops will henceforth be described, is one that adopts the top-down view but permits a loop by which empirical facts can modify the theory at the ideal level.

4.5.1 Fundamental Human Nature – *level 1*

The first level of an ideal theory that aspires to guide practical action needs to take into consideration foundational features of human nature. Whether stated or not,

50. See §4.2.1

51. See §4.4.3

political theories are guided by certain assumptions about what humans look like and what their abilities are. Thomas Hobbes, for instance, in *Leviathan*, argued that a state of “mere nature” is “a condition of Warre of every man against every man,” giving what many described as a deeply pessimistic view on human nature.⁵² Locke, defined state of nature as “living together according to reason, without a common Superior on Earth, with Authority to judge between them.”⁵³ Without this authority, Locke argues, “every Man hath a Right to punish the Offender, and be the Executioner of the Law of Nature.”⁵⁴ Rousseau defended the view that people are fundamentally “free agents” that are put in chains once they enter society.⁵⁵ Hume in similar vein explains how humans have “the propensity [...] to sympathise with others, and to receive by communication their inclinations and sentiments, however different from, or even contrary to our own.”⁵⁶

The human nature referred to here is a very basic – a fundamental, cross-cultural – conception. It refers to the basic abilities of human beings, and not to the ways societies of human beings are organised, for such societies vary and could not be summed into a list of attributes. This is why this view of human nature, located at the first part of the *Reciprocal Model*, refers to fundamental human characteristics that define us as a species. An objection to the selection of fundamental

52. Thomas Hobbes, *Leviathan*, Rev. Student Ed., Cambridge Texts In The History Of Political Thought (Cambridge: Cambridge University Press, 1996 [1651]), 96.

53. John Locke, *Two Treatises Of Government*, Edited by Peter Laslett, Cambridge Texts in the History of Political Thought (Cambridge: Cambridge University Press, 1988 [1689]), 280.

54. *ibid.*, 272.

55. Quote from the *Second Discourse* Jean-Jacques Rousseau, *The Discourses And Other Early Political Writings*, Cambridge Texts in the History of Political Thought (Cambridge: Cambridge University Press, 1997 [1750-1751]), 141. Rousseau explains how men evolved from a primitive state of being to modern complex societies. His view on man in human nature and in society, runs effectively through the whole body of his work (it is how he beings the *Social Contract* 1997 [1762] and how he concludes *Emile* 1979 [1762], where in the latter part he reiterates the political project and assumptions found in the *Social Contract*).

56. David Hume, *A Treatise Of Human Nature*, 2nd (Oxford: Oxford University Press, 1978 [1888]), quote p. 316. Also on this see pp. 59-60, 62, 85-86.

human nature as the core of every action-guiding inspired ideal theory, can be the following: if the conception of human nature is “fundamental” enough, then it will be undistinguished amongst different theorists; how many ways are there to define homo-sapiens, a critic might content? The short answer would be that different people have different conceptions of what humans are fundamentally like. This can be seen through the examples referred to above. There is no room for neutrality or agnosticism since everyone has an underlying view of what characteristics people tend to have, that conditions the expectations that a theory can bestow upon them. Rousseau, in his *Second Discourse*, has put it as follows: “so long as we do not know natural man, we shall in vain try to ascertain either the Law which he has received or that which best suits his constitution.”⁵⁷

The relationship of feasibility constraints of fundamental human nature is only one of the different kinds of feasibility constraints that an ideal theory needs to consider. Thus, in the beginning of the process, a theory must take into account fundamental human nature characteristics. These characteristics are defined, either explicitly or implicitly, by the author of the theory, and are constraints that the theory needs to address, or comply with; conditions that must be met for it to be within the realm of what individuals are capable of, in order to avoid placing upon them unreasonable demands. For example, if one holds that humans are inherently incapable of living together as equals without a superior authority on earth, then that author is unlikely to be able to defend a theory that will in the end provide principled action-guidance for an anarchistic society.⁵⁸

Thus, in the first stage of the *Reciprocal Model*, the constraints of feasibility are not fixed – they are conditional upon the view that each author holds about

57. Rousseau, *The Discourses And Other Early Political Writings*, 127.

58. Notice that I am not arguing for or against a specific conception of human nature.

what humans are fundamentally like. In this first step, then, the author needs to reconcile her theory so that it is in accordance to her view on fundamental human nature. If she gives highly optimistic or a grossly pessimistic accounts of human nature, then she can be challenged to justify her view. The justification can take two forms, neither of which are mutually exclusive: it can rely either on facts (history) or in scientific/psychological discoveries.

In the end, one has to either accept or reject that person's take on fundamental human nature. If she rejects it, then it is highly improbable to accept the basic principles of the theory. This is one of the reasons that fundamental human nature should be the first feasibility constraint challenging an ideal theory.

4.5.2 Socialisation – level 2

The first level of the *Reciprocal Model* sets the foundational principles of a theory and makes sure that it does not go beyond fundamental human abilities, thus shielding it from placing unreasonable demands on individuals. As it was noted above, the first stage addresses limitations of individuals and not of groups, and is, for lack of better word, cross-cultural. The second level is context-specific and has to do with the societal characteristics of the context that the theory will provide guidance for. These characteristics of social interaction must be taken into account in the early stages of the normative process. By considering the societal characteristics of the context that a theory will apply to, the injustices that are present in said society can be considered.

The next step is to consider how the process of embedding considerations of socialisation will work. If the theory of interest is one about Multicultural Citizenship, then the first steps of the *Reciprocal Model* would be as follows: initially, at level

1, an abstract account of what a culture is and how individuals socialise within and amongst different cultures can take place. In the second level the different kinds of groups must be accounted for. The analysis shifts to the group-level, to find out the different kinds of cultures along with the norms that guide their socialisation (e.g. is there peaceful coexistence, and if not, what additional principles should be devised to facilitate the application of the theory in order to yield the intended – desirable – outcomes?). Central to this process, is the realisation that an ideal theory at the *level 1* of analysis is incomplete; thus, partly adopting Sen's view, in support of his critique of "totalist" theories.

In this second level, considerations of sociability are factored into the theory; questions like what sort of political order exists, what groups of individuals inhabit it, and what specific demands each group makes.

The second stage of the *Reciprocal Model*, where it deals with issues of sociability, includes a loop: a cyclical process that re-runs the output of the first stage, through additional input. Within this second stage, empirical input is added to a process that filters the conclusions reached at *level 1*. Thus the principles that have been the output of *level 1* and then (re)examined against feasibility constraints of fundamental human nature alongside feasibilities of sociability of the specific context. Thus, the assumptions made at *level 1*, are now reconsidered at *level 2*, in light of the empirical input. At the end of this process two possible outcomes can emerge, annotated here in a YES or NO boolean form. If YES, then the empirical facts validate the abstract assumptions that lead to the principles. If NO, then we have two options: either alter the empirical input at *level 2* – apply the theory to a more suitable context – or go back to *level 1* to modify the assumptions made.

This does not result in a *prima facie* need to alter the principles reached at *level 1*. The principles can remain intact as long as their assumptions are modified in such

a way as to (a) still justify/result in the principles and (b) pass the *level 2* test. The *Reciprocal Model* adopts a hybrid mode, that combines the traditional top-down ideal to non-ideal transition, whilst putting the theory through loops to verify its empirical relevance; thus, subjecting the gradual process of ideal to non-ideal transition, to an empirically-grounded bottom-up validation, calling for the re-examination of either the principles themselves or their assumptions.

4.5.3 Relational positioning – level 3a

Once the second step is completed, a theory no longer places unreasonable demands on individuals, since its demands are in accordance with fundamental human characteristics (*level 1*). Also, the principles and outcomes of a theory at the end of the second step address a specific context, ensuring that their application is context-specific and will not yield undesirable outcomes (*level 2*).

Stemplowska described this process as one that yields AD-recommendations; recommendations that are both achievable and desirable. The first two levels of the *Reciprocal Model* ensure that the action-guidance that they provide will yield the desirable outcomes intended by the ideal principles. They also guarantee that the suggestions generated will be achievable, since they do not place unreasonable demands upon individuals and they are in accordance with fundamental human nature. But the achievability test goes beyond constraints of human nature and sociability, and this is what will be addressed in the third part of the model.

The *level 3* of the model, relies heavily on Mason's distinction in his gradual abstraction thesis. Mason's approach will be used as the basis of this discussion. Details will be provided for the different processes that take place, in order to provide a full methodological account of how to extract action-guidance from an ideal theory.

Two things will be considered here. Firstly the relational position of the principles of an ideal theory will be considered in order to look into how they are positioned in relation to other desirable principles. Secondly the relational position of the principles vis-à-vis constraints of scarcity will be examined.

Level 3 is made of two parts: *3a* and *3b*. Most normative political theories, especially those that are or claim to be liberal, are constructed upon a framework of shared principles that broadly define a liberal conception of rights and duties. These shared principles are desirable because they regulate the conduct of individuals between them and with the state. Political theorists, especially those working within the same paradigm (in the current case the liberal), have different views on what principles are more important, and how rigorously they should be adopted, especially when this adoption comes with an opportunity cost that entails the compromise of other liberal principles that they consider more important.

In the case of liberal scholars, and particularly in the context of multiculturalism, the two principles often seen in contrast to each other are those of autonomy and toleration. It would be absurd to suggest that a proponent of autonomy might not endorse the principle of toleration. Likewise, theorists that uphold tolerance as the dearest liberal value that should regulate the conduct of different individuals and cultures in a multicultural society, still accept autonomy as a necessary ingredient of a liberal polity; albeit to a lesser, limited extent. The classic example of this contrast of liberal principles in multiculturalism can be found in the work of Kymlicka who defends group-rights on the grounds of autonomy and Kukathas who defends the right of individuals to lead a life that is not regulated by the state on the grounds of toleration.⁵⁹ We can see how the two principles are in conflict with each other

59. See their discussion in the Journal *Political Theory* Chandran Kukathas, "Are There Any Cultural Rights?," *Political Theory* 20, no. 1 (1992): 105–139; Will Kymlicka, "The Rights of Minority Cultures: Reply to Kukathas," *Political Theory* 20, no. 1 (1992): 140–146; Chandran Kukathas, "Cultural Rights

– the proliferation of the one takes place at the expense of the other – yet they are both necessary (but not sufficient since other principles are also needed) to describe a society as liberal. The debate is about the emphasis of each principle gets, not on whether it should be present in a liberal polity.

If principles are to be applied in a real society, they should not be assumed to exist in a vacuum; they should be analysed in relation to other desirable principles. The question that remains is whether *level 3a* has the ability to call for the modification of the principles decided at *level 1*. The answer to this is negative. The third level can only have an impact on the application of a principle – the extend of its application – but not on the essence of the principle; it cannot modify it.

Empirical facts have been already injected into the theory at *level 2*. Thus, in *level 3a* the principal interest is finding out how the principles subjected to the limitations of *level 1* and *2* relate to other desirable principles. This process, will determine the extend to which the principles can be applied. If the ideal principle cannot be applied at all because to do so would violate other fundamental principles, then we can safely conclude that as far as action-guidance is concerned, the ideal theory is a failed one; it can only be improved by starting over through the use of different assumptions that will yield principles that are in accordance to fundamental human nature (*level 1*), that reflect the social context to which they aspire to guide action (*level 2*) and principles that can coexist with other desirable principles (*level 3a*).

4.5.4 Relational Scarcity Considerations – *level 3b*

The second part of *level 3* considers constraints of scarcity, in order to decide whether the principles can be applied in a society with finite resources. This is the “can we

Again: A Rejoinder To Kymlicka,” *Political Theory* 20, no. 4 (1992): 674–680.

afford it?” question, along with the “is it worth it?” consideration of opportunity cost.

The first issue to address is why consider scarcity at *level 3* and not earlier, and why frame it within the discussion of relational positioning? Not many, if any, principles should be applied at all costs; thus, the only way to examine the scarcity considerations of the application of a principle requires the positioning of that principle within the totality of available resources and desirable principles. Only then can one have a clear view of the availability of resources. The next step is to consider the opportunity cost of applying the principles of a normative theory.

The work done at *level 3a*, provides insights as to the importance of the ideal principle in relation to other principles. Nevertheless *level 3a* is cost agnostic. The issue of how much it costs to apply a desirable principle has not yet been considered. This is *level 3b*’s purpose: to answer the question “is applying X principle worth it?” Whether it is worth it or not will be determined by the importance of the principle and its cost, and both of these considerations require a comparative approach.

Different principles have different costs associated with them – the resources needed for the application of each principle are different. One needs to consider how much variation exists between the cost of applying these principles, and then one needs to relate that cost to the evaluation that took place in *level 3a* – in *3a* the importance and urgency of each principle in relation to the other desirable principles have been assessed. If the variation ratio is small – if, therefore, there are no great discrepancies between the costs of our desirable principles – the next step is to utilise the results of *3a* to guide the distribution of available resources.

Complications arise when the cost of applying our ideal principle varies considerably from the costs of other principles (high variation ratio). Thus, the question “is it worth it?” emerges. To answer this one needs to look back to *3a*, to determine

whether the relational position of the ideal principle is strong; whether it features high in the list of desirable principles. If not, then one can conclude that the application of the principle might not be achievable due to scarcity constraints, despite it being desirable. If it is ranked highly in the relational comparison of *level 3a*, then a redistribution of available funds should take place, to make room for its application. Thus, in order to decide whether the opportunity cost of applying the ideal principle is worth it, one will have to look at the comparative-relational evaluation that took place in *level 3a*.

So far in *level 3*, the issue of whether to apply our principles or not in light of scarcity and relational positioning has been addressed. The next step is to examine what function *level 3* has in determining the extent to which principles should be applied; especially principles that come at high cost and are thus unlikely to be applied to their full extent. It is here that Sen's objection of the second best is most relevant.

At *level 3b* the ideal principle in relation to other principles have been considered in light of scarcity constraints. For the purpose of demonstration, assume that a principle passes the test at *3a* – so it can be applied to a society alongside other desirable principles. If it were to be applied at *level 3a* as it is, it would yield the outcomes that were deemed as desirable at *level 1*, since it passed the tests of *level 2* and *3a*. Then, the next step is to move on to *level 3b*, to consider the feasibility of the application of the relational positioning of the principle; in other words, to consider whether it is affordable to apply the principle to its full extent. Continuing with the demonstration, assume that it is not affordable. According to the calculations made at *level 3b*, there are not enough resources to apply the principle as it is presented in *level 3a*. The question then is whether one should limit the extent of the principle's application. Sen argued that there might be various second-best solutions, and that the restricted application of the ideal principle is not necessarily the optimum

second-best solution.

The focus should not be on whether to apply the principle to its ideal or to a qualified form. Rather, one should ask whether the original or qualified application will yield the intended outcomes as have been outlined at the ideal formulation of the theory. If the application of the principle, following the qualification of the constraints, yields outcomes that are desirable – similar to those envisioned at the ideal level – then they should be applied at their qualified form.

This solution is inelegant – it leaves the *Reciprocal Method* susceptible to the challenge that the qualified application of the principle might not be the ideal second-best solution. The possibility for this is acknowledged, and the theory is opened up to alternative theories and principles, that upon their non-ideal application yield the intended outcomes of the current theory (as they have been specified in *level 1*) in a better and more effective way. This admission is not sufficient to render the model as unnecessary or useless, as Sen argued. Rather, it should urge political philosophers to be more cautious and modest about the limits of political theory. The distinctive benefit of the model in the context of MC is that an alternative theory might yield the same outcomes in a more efficient and cost-effective manner.

Chapter 5

The Case of Cyprus

Having explained the methodology that will be utilised to explain the transition from the ideal to the non-ideal and having explained how an empirical case can influence the theory in chapter 4, it is time to outline the case study, which will be used throughout the rest of the thesis, in support of the modifications to Kymlicka's Multicultural Citizenship. Examples from the case of Cyprus will be used throughout the remaining of this thesis, in demonstrating how a theory of MC would influence the cultural realities of the island.

To this end, more than twenty interviews with political and cultural elites of both the majority and minority cultures have been conducted, as well as two focus-groups with members of the Maronite community. Although there is very limited bibliography on identity formation on the island from a political theory perspective, there is a lot of useful work done in history and education departments. The historians try to provide a roadmap to the creation and evolution of the identities that exist today and the education scholars provide an assessment of how government policy has impacted the identity formation of children. Besides historians and educators, this chapter draws upon the work of linguists who provide insights into

the languages used in the island, transcending several myths that want Cypriots to be solely Greek- or Turkish-speaking. Thus evidence will be provided from sources that transcend the disciplinary boundaries of political theory and science, and draw upon history, education, linguistics, Turkish studies, sociology and even constitutionalism.

Cyprus is a post- violent conflict case, which faces challenges that are not present in the UK, US, Australia, Canada, France and Germany – the countries whose multicultural challenges theories of multicultural citizenship address. The cultural hierarchies in Cyprus are more complex than those found in the archetypal multicultural cases, and the initial classification of cultural groups largely determines the outcome of their multicultural claims. As such, examples from the case of Cyprus, which will be presented here, will be used in chapter 6 and 7 to demonstrate how MC needs a more transferable and inclusive conceptualisation of culture if it aspires to be exported (§6.1), one that is underpinned by an internationally mandated process of recognition (§6.2), in order to avoid oppression through misrecognition (§6.3), as it is the case in Cyprus, where ethnically-driven bicomunal exceptionalism leads to the marginalisation of non-dominant minority groups (§6.4). The material present in this chapter will then enable the extraction of practical action-guidance for Cyprus in chapter 7, with practical suggestions for the negotiated constitutional framework in Cyprus.

This chapter is divided into four different sections. In the first, an account of the different empires that have invaded Cyprus is provided in order to demonstrate the multicultural character of the island through these external influences. In the second, the conflict between the Greek and Turkish-Cypriots is outlined, tracing it back to the Ottoman Empire and to the transition between the millet system of governmentality to the British-inspired system of bicomunalism. The focus will be on

the two communities, which largely dominate the politics on the island since then. In the third section, after the historical facts surrounding the conflict between the Greek and Turkish Cypriots are presented, the role of the two states in the maintenance of this conflict is discussed. How, for instance, did the politics of recognition limit the interactions between the two communities, what mechanisms did the two states utilise in the maintenance of their myths and what was the role of education in this process. In the fourth section, the other cultures found on the island, the Latins, Armenians, the Maronites and the Roma will be presented, to show that their historical presence on the island is one that cannot be refuted.

Before the four sections, a preliminary terminological remark must be made. The case of Turkish Cypriots is peculiar and invites a linguistic challenge. Turkish Cypriots are a minority culture when compared to the majority Greek Cypriot culture, yet they are a dominant culture when compared to Armenians, Latins, Maronites and Roma since they have more constitutional rights than them, rights which are comparable to those of the Greek Cypriots. Thus, when there is a reference to “dominant cultures,” it will mean both the Greek and Turkish Cypriots. When the term “dominant minority” is used, it means only the Turkish Cypriots. When the term “dominant culture” is used singularly, it describes the Greek Cypriots and finally, the term “non-dominant minorities,” refers to all the minority cultures except the Turkish Cypriots.

5.1 Ruler Come, Ruler Go

Cyprus has been conquered, bought, sold and colonised by a long list of empires and countries. Its strategic geographical location places it at the cross-roads of three continents, making it an attractive place to occupy – either for using it as a military

base, or as a trading hub, or even as a place of refuge.¹

The island has changed hands repeatedly since its colonisation of the Mycenaeans in the 11th century BC. It went from the Neo-Assyrian Empire in the 8th century BC, to the Egyptians in the 6th century BC and to the Persian Empire in the same century. After various revolts, Evagoras tried to establish himself as an independent ruler on the island with the support of the Athenians, which finally agreed to hand it over to the Persian Empire in 386BC under the Treaty of Antrakidas. In the 4th century various revolts against the Persian Empire took place and independent kingdoms – Cyprus was not a unified political entity, it was comprised of different kingdoms – went under the rule of Alexander the Great. More revolts took place and by the end of the century, Cyprus was under the hands of the Ptolemaic Dynasty. It was not until the 1st century BC that Cyprus changed hands again when it became a Roman province, thus ending the Ptolemaic reign on the island.

It was in the 1st century AC that Christianity was firstly introduced in Cyprus, when the Roman governor Sergius Paulus converted to it. In the 2nd century, the Kitos War took place, with 240,000 casualties during a messianic Jewish revolt, which resulted in the expulsion of all the Jews from Cyprus.

The next milestone for Cyprus is at the end of the 4th century when it changed hands once again, this time becoming part of the Byzantine Empire until the 7th century, when the Arabs occupied the island. The Arab occupation ended in the 10th century, at which time Cyprus became once again part of the Byzantine Empire.

In the 12th century we have the first instance of British presence in Cyprus, right after the seven-year rule of Isaac Comnenus ended, who had briefly established

1. The material briefly summarised in 'Ruler Come, Ruler Go' has been taken from three books, which are amongst the most authoritative in Cypriot history and archaeology Vasos Karageorghis, *Cyprus From The Stone Age To The Romans (Ancient Peoples And Places)* (London: Thames / Hudson, 1982); Vasos Karageorghis, *Cyprus: Crossroads Of Eastern Mediterranean, 1600-500bc* (Athens: Kapon, 2002); David Hunt, *Footprints In Cyprus: An Illustrated History* (London: Trigraph, 1990).

Cyprus as an independent empire.² In 1191 Richard I of England captured the island and sold it to the Templar Order, which then sold it to Guy of Lusignan, who established and ruled Cyprus as an independent kingdom until the 15th century.

It was then, in 1489, that Cyprus became part of the Venetian Empire. For the remaining time, until 1571 when the Venetian rule officially ended, Cyprus and its Venetian rulers were repeatedly attacked by the Ottomans. On September 9, 1571, 20,000 Cypriots – amongst them Greeks and Latins – were killed and another 1,000 sold as slaves by the Ottomans. In 1573 the Venetians abandoned the island altogether. The bloody uprisings continued all the way throughout the 16th century, up until the middle of the 17th century, when the island was tormented by plague, which eliminated half of its living population.

In the 19th century Cyprus took part in the Greek revolution against the Ottomans that begun in 1821. The Ottomans executed the figure-heads of the local elite – mostly clergy – in retaliation. These events led to the mass-migration of 200,000 Christians.

It was in 1878 that the British took over the occupation of the island from the Ottomans.³ The agreement was that the British would shield the Ottomans from the Russians in exchange for Cyprus, which was useful to the British for protecting their sea route to India (it was nine years after the opening of the Suez Canal). In 1914 Britain annexed Cyprus after Turkey supported Germany in World War I and in 1925 Cyprus became officially a British colony.

In 1931 the first riots against the British are recorded. Greek Cypriots started demanding Union with Greece (“enosis”) and burned down the house of Sir Ronald

2. Peter W. Edbury, *The Kingdom Of Cyprus And The Crusades, 1191-1374* (Cambridge: Cambridge University Press, 1991).

3. For a detailed account of the presence of the British in Cyprus see Andrekos Varnava, *British Imperialism In Cyprus 1878-1915: The Inconsequential Possession* (Manchester: Manchester University Press, 2009).

Storrs, the British Governor. Following the instigation of martial law, order was restored and harsher measures were taken to suppress the popular demand for enosis, like for instance the ban of the Greek National Anthem and the Greek flag. It was during the 1930s that the terms Greek-Cypriot and Turkish-Cypriot started to be used by the people living in the island – formerly self-identifying by their religions – after the British started classifying the locals based on their ethnic group, thus upgrading the religious identities to ethnic and institutionalising for the first time nationalism.⁴

The next milestone and the last to be addressed in this section, was the Second World War, where Cypriots fought on the side of the allies. After the end of the war, Cypriots were more pressing about their demands to the British, feeling entitled for having fought on their side. Greek Cypriots demanded union with Greece (“enosis”) and Turkish Cypriots demanded that the British rule continued in the island – a demand that later became substituted with rights for self-government.

5.2 The Greek and Turkish Ethnic Claims

5.2.1 From the Ottomans to the British-led Nationalism

Having established that Cyprus was always multicultural, the most important conflict of the island will be addressed, which affects the inhabitants to this date, namely, the conflict between the Greek- and Turkish-Cypriots. In this section, the events that lead to the conflict and the events surrounding the conflict will be outlined.

The source of the conflict is to be found in the introduction of nationalism on the island, when the British introduced ethnicity as the identity marker adopted by

4. For a discussion on the emergence of nationalism see Ernest Gellner, *Nations And Nationalism*, 2nd (Malden, Mass.: Blackwell, 1983); Eric Hobsbawm, *Nations And Nationalism Since 1780* (Cambridge: Cambridge University Press, 1990); Eric Hobsbawm and Terence Ranger, *The Invention Of Tradition* (Cambridge: Cambridge University Press, 1983).

the government, encouraging the former members of the Christian and Muslim religions to self-identify as ethnic subjects, Greeks and Turks respectively, rather than as Christians and Muslim.⁵ The British colonialists, Varnava explains, created the space for the evolution of the religious identities of the two dominant groups (Orthodox Christians and Muslims), into ethnic identities (Greeks and Turks), allowing them to apply “their own ideas of ethnicity and race” into their ethnic identity.⁶

Although ethnic identities became institutionalised in the 1930s by the British,⁷ their initial occurrence can be traced back to the beginning of the 19th century, when GCs “increasingly saw their destinies as linked to the ancient Hellenic past of Cyprus and their future to its revival through unification with Greece.” TC nationalism began as a response to the GC nationalism, out of fear and anxiety for the possible unification of Cyprus with Greece.⁸

To understand how these identities occurred the transition from the Ottoman to the British rule needs to be accounted for. During the Ottoman Empire the millet system was based upon freedom of religion and religious conversion was mostly exercised for political reasons (for example, it was the most effective way to get a divorce) and rarely for religious ones.⁹ Non-Muslim religious groups were free to

5. For a thorough discussion on the emergence of nationalism in Cyprus see Yiannis Papadakis, Nicos Peristianis, and Gisela Welz, eds., *Cypriot Nationalism, Dual Identity and Politics* (Bloomington: Indiana University Press, 2006), 100–120.

6. Andrekos Varnava, “The State Of Cypriot Minorities: Cultural Diversity, Internal-Exclusion And The Cyprus ‘Problem’,” *The Cyprus Review* 22, no. 2 (2010): 205–218; Varnava, *British Imperialism In Cyprus 1878-1915: The Inconsequential Possession*.

7. John Reddaway, *Burdened With Cyprus: The British Connection* (London: Weidenfeld / Nicolson, 1986).

8. Neophytos G. Loizides, “Ethnic Nationalism And Adaptation In Cyprus,” *International Studies Perspectives* 8 (2007): 174.

9. Kamel S. Abu Jaber, “The Millet System In The Nineteenth-Century Ottoman Empire,” *The Muslim World* 57, no. 3 (1967): 212–223; Colin Imber, *The Ottoman Empire, 1300-1650: The Structure of Power* (Basingstoke: Palgrave Macmillan, 2002); Ronald Jennings, *Christians And Muslims In Ottoman Cyprus And The Mediterranean World, 1571-1640* (New York: New York University Press, 1993); Stanford J. Shaw, “The Ottoman Census System and Population, 1831–1914,” *International Journal of Middle East Studies* 9, no. 3 (1978): 325–338; Stavro Skendi, “Crypto-Christianity In The Balkan Area Under The Ottomans,” *Slavic Review* 26, no. 2 (1967): 227–246.

exercise their religious and other customs, provided that they paid a tribute to the Empire. As a matter of fact, religious conversion was discouraged and even declined, since it diminished the income of the Empire (less Christians meant less tribute to the Empire).¹⁰

In the 1881 Census, the religious categories in Cyprus during the Ottomans listed “Mahometan,” “Greek Church,” “Roman Catholic,” “Maronite,” “Gregorian,” “Church of England” and more. After the British colonialists seized control of the island in 1878, identity politics changed. The British modernised the millet system by imposing a dual ethnic division for the sake of governmentality. As a result, in the 1946 census, the categories were now ethno-religiously based, and were reduced to “Moslem Turkish” and “Greek Orthodox.” In the 1960s constitution, the division became institutionalised and all non-Christian and non-Muslim groups of the island were to choose among the “Greek” and “Turkish” ethnicity. As Constantinou explains, “categories such as ‘free-thinker’, which measured only one person in the 1881 Census, progressively disappear when the matter became ethnic and therefore not something one could opt out of.”¹¹

5.2.2 The Emergence of Nationalism and the Ethnic Terror in the 1950s

The nationalisms found in Cyprus are antagonistic from their conception.¹² Greek nationalism was a product of the fight against the Ottoman Empire, whilst Turkish nationalism was a response to “the big idea” (megali idea – the creation of a

10. Cypria Excerpta, *Materials for a History of Cyprus* (Cambridge: Cambridge University Press, 1908), 233.

11. Costas M. Constantinou, “Aporias Of Identity: Bicomunalism, Hybridity And The ‘Cyprus Problem’,” *Cooperation and Conflict* 42, no. 3 (2007): 257.

12. Papadakis, Peristianis, and Welz, *Cypriot Nationalism, Dual Identity and Politics*.

Greek state encompassing all the areas where Greek population lived) a century later. Hence, the local identity was ignored¹³ by the ethnic antagonism and Cyprus was diminished into an “irrelevant geography”¹⁴ that waited either for Greece or Turkey to rescue the locals.

The GC demand for unification emerged right after WWII. Following the end of the war, the GCs felt that they were entitled to self-government as a reward for their support to the British. The Turkish Cypriots reacted to this proposition, calling for the return of Cyprus to Turkey in case the British left the island. As such, in 1949, 15000 TCs marched in support of the return of Cyprus to Turkey. Thus, the ethnic conflict reached a climax during and immediately after the course of WWII, which reinforced the GC hopes for unification with Greece.¹⁵

Kizilyürek uses the term “political myopathy of the Cypriot elite” to describe the approach of the two nationalisms. The ideology of Greek nationalism created a direct relationship between ethnic origin and politics, encouraging the TC ideology of separation, which enabled their claim for partition (taksim). Especially after the end of the WWII, the TC elite and the British colonialists realised that Turkey needed to get more involved in the proceedings of the TC community in order to act as a safeguard against the threat of union.¹⁶

As the claim for union became stronger, the disagreements between the two communities were amplified, and the nationalist divisions and aspirations became

13. An account of the different sides of nationalism amongst the Greek Cypriots can be found in Caesar V. Mavratsas, “The Ideological Contest Between Greek-Cypriot Nationalism And Cypriotism 1974-1995: Politics, Social Memory And Identity,” *Ethnic and Racial Studies* 20, no. 4 (1997), where he describes the conflict between Greek Nationalism and Cypriotism, explaining that in the post-1974 period, nationalism returned in the form of Greek-Cypriot nationalism. Also see Leonard W. Doob, “Cypriot Patriotism and Nationalism,” *The Journal of Conflict Resolution* 30, no. 2 (1998): 383–396.

14. Niyazi Mustafa Kizilyürek, *Cyprus beyond the Nation [in Greek]* (Nicosia: I. G. Kasoulides / Son, 1993).

15. Loizides, “Ethnic Nationalism And Adaptation In Cyprus.”

16. Kizilyürek, *Cyprus beyond the Nation [in Greek]*.

more profound and mainstream.¹⁷ The GCs were eager for union, whilst the TCs were eager for division as a way to avoid the results of the union with Greece, which were perceived to be the cultural (and also the biological) death of the TC community. The ethnic polarisation subsequently led to the creation of two nationalist-oriented terrorist organisations, TMT and EOKA. It is important to note, that especially amongst the GC side, the term “terrorist organisation” is rarely used to describe EOKA, despite EOKA fitting easily within Schmid’s definition of terrorism.¹⁸ The GC EOKA (National Frontier of Cypriot Fighters) was created in 1955 and the TC TMT (Turkish Resistance Organisation) in 1958. EOKA was fighting both for union with Greece and for the removal of the British Colonialists from Cyprus, excluding the TCs who did not want union and the left who wanted a political rather than a military response against the British. TMT was fighting in favour of partition (taksim) in order to create a sovereign Turkish state in Cyprus.¹⁹

The GC fighters of EOKA were killing TCs under the pretext that they were cooperating with the British. EOKA, as Loizides explains, adopted the ideological symbols of mainland Greece and was considering its fight against the British as a

17. Diana Weston Markides, *Cyprus 1957-1963: From Colonial Conflict To Constitutional Crisis: The Key Role Of The Municipal Issue* (Minneapolis, Minn: University of Minnesota, 2001).

18. “Terrorism is an anxiety-inspiring method of repeated violent action, employed by (semi-) clandestine individual, group or state actors, for idiosyncratic, criminal or political reasons, whereby - in contrast to assassination - the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators. Threat- and violence-based communication processes between terrorist (organization), (imperilled) victims, and main targets are used to manipulate the main target (audience(s)), turning it into a target of terror, a target of demands, or a target of attention, depending on whether intimidation, coercion, or propaganda is primarily sought.” Alex Peter Schmid and Albert J. Jongman, *Political Terrorism: A New Guide To Actors, Authors, Concepts, Data Bases, Theories, And Literature* (Amsterdam: North-Holland Publishing Group, 1988).

19. During the 1950s there was a shift in the way TCs reacted to the GC demand for union (enosis). Instead of demanding their incorporation into the Turkish state by calling for the revival of their Ottoman status, they requested partition (taksim) through the geographical and political separation of Cyprus into two ethnic states. See Varnava, *British Imperialism In Cyprus 1878-1915: The Inconsequential Possession*.

continuation of the historical fight for Greek freedom. Moreover, the military leader of EOKA, Georgios Grivas, was a renounced anti-communist who considered communists a threat to national solidarity. Grivas, with the support of the Church and many GC conservatives, used EOKA to pursue a dual goal: eliminate the communists and unite Cyprus with Greece while eliminating TCs as well. According to Makarios Droushiotis, EOKA has killed more GCs than British soldiers during 1955-1959.²⁰ It is important to note that Grivas' double-target was communicated to the masses as a struggle against the British colonialism and in favour of the romanticised ideal of union with Greece. Therefore, even though Grivas determined the political agenda of EOKA, the majority of the people that took part in it subscribed to the romanticised version of union rather than in Grivas' dual goal.²¹

Loizides, following Peter Loizos, argues that “incendiary speeches contribute to an environment where societies become tolerant towards war crimes committed against ethnic others,” explaining how motherland nationalism evolved from the abstract ideological level to the practical and violent events that followed in the 1960s and onward.²² In the course of this conflict, the Republic of Cyprus was created in 1960. It was an attempt to create a common state amongst people who aspired to live with their motherlands rather than with each other.

5.2.3 Independence and Sovereignty

In 1960 the Republic of Cyprus became recognized as an independent state, with the Greek and Turkish as the two main national groups. Maronites, Armenians and

20. The Federation of EOKA Fighters, whose long time president is Thasos Sophocleous, stubbornly refuses to provide details about the executions of GCs and TCs during 1955-1959.

21. Robert Holland, *Britain And The Revolt In Cyprus, 1954-1959* (Oxford: Clarendon Press, 1998).

22. Peter Loizos, “Intercommunal Killings in Cyprus,” *Man [New Series]* 23, no. 4 (1988): 639–653; Loizides, “Ethnic Nationalism And Adaptation In Cyprus,” 176.

Latins were recognised as “religious groups,” having 3600, 2700 and 4000 members respectively. The new constitution was agreed upon on 11 February 1959, between the GC and TC leader, Archbishop Makarios III and Dr. Fazil Küçük respectively, as part of the Zurich-London agreements. Cyprus became officially an independent state on August 16th, 1960.

Although Cyprus was recognised as a sovereign state, in reality it was a semi-sovereign state, “a ‘realpolitik compromise,’ a ‘reluctant republic,’ a ‘self-determination substitute,’ an ‘unwanted child,’ a ‘sham’ and other more or less felicitous terms that turned into sound bites and historical clichés.”²³ Cyprus was never a sovereign state, as it has always been transferred from one empire to the other. As such, the locals never claimed independence as the ideal state of affairs. Instead, they fought against the idea of self-government and in favour of either union with the motherlands, or continuation of the British colonial rule.²⁴ Therefore, the Republic of Cyprus was never realised as sovereign and it was treated as the middleman to another “imagined community.”²⁵

Therefore, given the ethnic, religious, military and cultural dependencies, Cyprus did not follow the usual course to full sovereignty that most ex-colonies followed, becoming an exceptional case in international territory. James Crawford has described sovereignty on Cyprus as “internationalisation by the back door.”²⁶ The

23. Costas M. Constantinou, “Cypriot In-Dependence And The Problem Of Sovereignty,” *The Cyprus Review* 22, no. 2 (2010): 17.

24. Peter Loizos, *The Greek Gift: Politics in a Cypriot Village* (New York: St. Martin's Press, 1975). The first academic ethnographic study in Cyprus took place over the course of thirty years, by Loizos, who studied a village in the north, years later identified as Arghaki. Loizos shows how post-colonial politics affected the identities of the locals and their perception of the ideal state of affairs in Cyprus, which in turn shaped both their everyday lives and their political choices.

25. The term ‘imagined communities’ refers to Anderson’s analysis of nationalism, found in Benedict Anderson, *Imagined Communities: Reflections On The Origin And Spread Of Nationalism*, 2nd revised (London: Verso, 1991).

26. James Crawford, *The Creation Of States In International Law*, 2nd (Oxford: Clarendon Press, 2006), 244.

front door displayed a sovereign state with international recognition, whilst at the same time foreign powers (Turkey, Greece and Great Britain) enjoyed constitutional privileges over the seemingly sovereign state (backdoor).

The sovereignty instituted in Cyprus, is such that “entails inter alia the ability to go beyond the law yet to remain within the law, or to legislate exceptions that justify state action contrary to previous laws or simply so as to escape the responsibilities of an inconvenient legal regime.”²⁷ Constantinou gives three examples that can support this bold claim: the British bases, the exclusion of TCs from the RoC and the creation of the TRNC.

Firstly, the British bases in Cyprus are considered sovereign ground. As such, Britain used to claim that the Bases were not part of EU territory despite both Cyprus and UK being members of the EU. This changed in 2004 after the acceptance of the referral of the European Court of Human Rights.

Secondly, after 1963, the TCs were excluded from the proceedings of the Republic of Cyprus through the suspension of constitutional articles and the introduction of emergency laws. Therefore, since then, the Turkish Cypriots have no power in the RoC, despite the latter claiming sovereignty over all of Cyprus and over all Cypriots. As a result, the position of the vice-president along with the TC seats in the parliament are empty, despite them being constitutionally guaranteed to the elected representatives of the Turkish Cypriot community.

Thirdly, the internationally unrecognised Turkish Republic of Northern Cyprus also claims sovereignty over TCs and over the north part of Cyprus, undermining the international sovereignty of the Republic of Cyprus. As Constantinou explains, TRNC claims sovereignty (amongst others) to legitimise the appropriation of GC property.

27. Constantinou, “Cypriot In-Dependence And The Problem Of Sovereignty,” 27.

Constantinou argues that “the exercise of an ethnocratic form of sovereignty – with the people or the demos progressively defined in terms of a single ethnicity – had adverse effects not only for the ‘enemy’ ethnicity but also for the various ethno-cultural groups that were caught in between the Greek- Turkish divide.”²⁸. For example Maronites, Armenians, and Latins, became reduced to religious groups, despite them being national groups with equal status as Christians and Muslims in Cyprus. Therefore, the exceptionalism of Cyprus sovereignty legitimised the oppression of the national and cultural identity of minority groups.

Finally, another side effect of the partial sovereignty of Cyprus is the legitimacy of the political and social power that the Church enjoys.²⁹ As such, the Orthodox Christian Church in Cyprus is the richest legal person and one of the most powerful political actors of the island.

The new independent state, the Republic of Cyprus, was not sovereign in the traditional sense and it was contested by both the GCs and the TCs. The lack of support behind the new state, led to an attempt to modify its constitution that resulted in the withdrawal of TCs from the government, their isolation to enclaves, violence between the two sides and eventually, the 1974 invasion by Turkey and the subsequent division of the island.

5.2.4 The Dismantling of the State and the 1974 Division

The relations between GCs and TCs worsened after 1963, when the president of the RoC, the GC Christian Orthodox Archbishop Makarios, suggested 13 constitutional changes. The period after 1963 up until 1968 when the two communities became

28. Constantinou, “Cypriot In-Dependence And The Problem Of Sovereignty,” 29.

29. For a discussion on the role of the Church and its leaders, see Andrekos Varnava, *The Archbishops of Cyprus in the Modern Age: The Changing Role of the Archbishop-Ethnarch, their Identities and Politics* (Cambridge: Cambridge Scholars Publishing, 2013).

geographically and politically isolated, was one of the darkest periods in the history of the island, as the TC TMT was terrorising TCs who supported the RoC, while at the same time various paramilitary GC organisations were targeting TCs and GC left-wingers who were against the ethnic separation.³⁰

In 1974 a coup d'état against the GC president Archbishop Makarios took place, leading to the Turkish invasion, which divided Cyprus into the south, the internationally recognised Republic of Cyprus now administrated by Greek Cypriots and the north (which to this day remains unrecognised by the international community). In 1983, Turkey declared the north as an independent state, named the Turkish Republic of Northern Cyprus. TRNC is considered to be an invalid state (a state who is internationally unrecognised) under the UN Security Council Resolution 541.³¹

Since 1974 and 1983, the status quo remained between the two sides, despite the numerous efforts for reunification. The most notable of which were (i) the agreements between Makarios and Denktaş in February 12th, 1977 and in 1979, where they agreed that the future constitution of a united Cyprus would be a federal one with self-governmental rights to each community under one united state, an agreement that forms the basis for every solution plan to this day; (ii) "Ghali's set of ideas," after the Secretary General of the UN Boutros Gali in 1992; and then (iii) the 2004 "Annan Plan," named after the then Secretary General of the UN Kofi Annan. Annan plan was the only one put to referendum. It was rejected by the GCs (only 24% voted YES) and accepted by the TCs (an overwhelming 65% voted YES).

The most notable changes that took place between 1983 and today are (i) the accession of the Republic of Cyprus into the EU, with the May 2004 enlargement,

30. James Ker-Lindsay, *Britain And The Cyprus Crisis: 1963-1964* (Mannheim: Bibliopolis, 2004).

31. United Nations, *Security Council Resolution 541*, 1983, 15–16. For a discussion on the status of the TC regime, before and after 1984 see Stefan Talmon, *Recognition Of States In International Law* (Oxford: Clarendon Press, 1998), 8.

(ii) the opening of the borders in April 2003 under the initiative of the late leader of the TCs Rauf Denktaş, (iii) and the legal battles regarding the Cyprus problem. The last is important because it resulted in the creation of the Immovable Property Commission (IPC), a court of Turkey, operating in the north, under the mandate of the European Court of Human Rights (ECtHR), that deals with disputed property in the north, offering restitution, exchange, or compensation.³² The IPC is highly controversial in the south yet it is important because claims of property can no longer be addressed to the ECtHR without going through the IPC, raising various problems of “recognition.” For instance, how can a court function in the TRNC if it is not a recognised state; or, similarly, how can a Turkish commission be instituted by the ECtHR to operate in the north, despite Turkey having no international legitimacy to be in the north per the resolutions of the United Nations.

32. “The Immovable Property Commission was set up under the Immovable Property Law (No. 67/2005) in accordance with the rulings of the European Court of Human Rights in the case of *Xenides-Arestis v. Turkey*. The purpose of this measure was to establish an effective domestic remedy for claims relating to abandoned properties in Northern Cyprus. The European Court of Human Rights, with decision on 1 March 2010 as to the admissibility of *Demopoulos and Others v. Turkey* found that Law No. 67/2005 provides an effective remedy and rejected the complaints of applicants for non-exhaustion of domestic remedies. The Immovable Property Commission officially began its activities on 17 March 2006, upon the appointment of its President, Vice-President and members by the Supreme Council of Judicature among persons nominated by the President of the Turkish Republic of Northern Cyprus and re-established in accordance with the Law No. 67/2005. The Commission consists of Mr. Güngör Gönkan, President, Mr. Ayfer Erkmen, Vice-President, Mrs. Sümer Erkmen, Mr. Hans C. Kruger, Mr. Romans Mapolar, Mr. Daniel Tarschys and Mrs. Saskia Yorucu members. The Immovable Property Commission examines claims for restitution, compensation and exchange according to the provisions of the law no 67/2005. Its considerations are based on the principles of bi-zonality and bi-communality which have been common elements of the 1977-1979 High Level Agreements as well as plans for a settlement of the Cyprus Issue prepared by the United Nations. It seeks to satisfy the legitimate claims of property owners without prejudice to the rights of the Turkish Cypriot Community.” Immovable Property Commission, <http://www.tamk.gov.ct.tr/>, 2006.

5.3 The Nation-building of the Two Administrations

The two administrations have used the mechanisms of their states to maintain their own separate historiographies of Cyprus, each depicting the other as the aggressor. In this section, the different historical narratives, the official disputes over recognition and the different education curricula will be addressed.

5.3.1 Different Historical Narratives

The RoC and the TRNC both use the apparatus of their states to instil upon their citizens a common sense of belonging. They both promote their own account of the history of Cyprus, aiming at presenting the “other” as the assailant, whilst making sure to exonerate themselves of any wrong-doing – they whitewash history, providing narratives that facilitate and go in accordance with their nation-building, the theoretical origins of which have been discussed in §2.3.3.

The first publication that provided first-hand account of this whitewashing, was published in 2005 and documents the ethnographic study of a GC academic, Yiannis Papadakis, the first academic to cross the border and to stay in the north for extended period of time. Beginning in March 1991³³ Papadakis, a social anthropologist, who became both the researcher and the subject of his research, produced a detailed account of his ten-year anthropological research of Greek- and Turkish-Cypriots. Papadakis focuses on the narratives of people living on the island, rather than on the elites and enables the reader to see the same events through the eyes of GCs and TCs respectively. The contradictory perspectives of GCs and TCs, were identical in nature; they were the product of the nation-building of the two states,

33. It was not until the opening of the checkpoints in 2003 that unrestricted movement between the north and the south was possible and this makes Papadakis study rare and very valuable.

through official propaganda and education curricula.³⁴

Papadakis describes how Greek and Turkish Cypriots chose different historical periods to focus on and how they ignore those events that do not satisfy their ethnic nation-building myths sustained by the government.³⁵ For example, the Turkish Cypriots focus on the “Bloody Christmas” of 1963, when two TCs were murdered in Nicosia and also focus on the period of their geographical isolation in the enclaves (1963-1974). The GCs on the other hand, focus on the role of the foreigners and describe the pre-1974 period as one of peaceful coexistence between the two communities. What is also very interesting is that many of the TCs that Papadakis interviews still believe that GCs ultimately want unification with Greece.

Despite the differences in the way that events are selected and presented by GC and TC elites, Papadakis highlights that the policies the two communities followed since the 1974 invasion are identical. Both communities have created symbols, ethnic maps, detailed accounts of murders and heroes, and a conception of the other as the ultimate enemy whose existence on the island comes at the expense of “our” existence. Both have tried to curtail communication between the two sides, creating social taboos that are used to prohibit people from talking to others across the checkpoints, from fear of being identified as traitors, or of being accused of “recognising” the other state.

5.3.2 Identical and Opposed Discourses of Recognition

The issue of recognition is one that is based on the assertion that if the officials of the Republic of Cyprus (RoC) meet with the officials of the “Turkish Republic of North-

34. Yiannis Papadakis, *Echoes From The Dead Zone: Across The Cyprus Divide* (London: I. B. Tauris, 2005). Also see Rebecca Bryant, *Imagining The Modern: The Cultures of Nationalism in Cyprus* (London: I.B.Tauris, 2004)

35. Papadakis, *Echoes From The Dead Zone: Across The Cyprus Divide*, ch. 3.

ern Cyprus,” or if GC individuals meet with TC individuals in the north, then this is a step towards the recognition of the unrecognised state that is the TRNC. The official line is that if one crosses the border to the north and shows proof of identity to the TC officials, he or she will in effect recognise the authority of the TC officials and the status of the TRNC as a state. Such rationales have been used to demonise any reconciliation initiatives both at the formal and civil society level.³⁶ The approach of the argument for recognition is obviously problematic. Firstly, it “oversimplifies and popularises the international principles concerning state and government recognition” and secondly, it imposes holistic and negative understandings of the other.³⁷

The history of the discourse of recognition in Cyprus is traced back to 1963. At the time, the inter-ethnic conflict resulted in the withdrawal of TCs from the government and their isolation to self-governed enclaves. The TCs following their constitutional and geographical exclusion, created the TC General Committee in 1964, which was later replaced in 1967 by a Provisional Turkish Cypriot Administration. In other words, during the period of 1963 to 1967 “the government of the Republic of Cyprus came totally under Greek Cypriot control, in principle representing the Turkish Cypriots, but not in practice,” so argues Constantinou.³⁸ Following the 1974 coup d’état against the GC president Archbishop Makarios, the Turkish invasion took place, which divided Cyprus and led to the 1983 declaration of the creation

36. One recent event that illustrates the challenges of recognition took place on 23 January 2012. During the talks in Greentree at NY amongst President Christofias and the TC leader Eroğlu under the supervision and guidance of the Secretary General of the UN Ban Ki-Moon, the special representative of the SG in Cyprus, Alexander Downer, referred to the Cyprus presidency of the EU in 2012 as “the presidency of the Greek Cypriots” instead of saying “of the Republic of Cyprus.” All the GC parties reacted and with the exception of AKEL and DISY all asked for Mr Downer’s removal from the case of Cyprus. Despite the extreme claim for the removal of Downer, his selection of words denotes a political shift rather than a slip of tongue (he repeated it three times), illustrating the politics of recognition through the use of language about Cyprus.

37. Costas M. Constantinou and Yiannis Papadakis, “The Cypriot State(s) in Situ: Cross-Ethnic Contact and the Discourse of Recognition,” *Global Society* 15, no. 2 (2001): 126.

38. *ibid.*, 128.

of the Turkish Republic of Northern Cyprus.

Since 1983, symbols and labelling became an integral part of the Cyprus discourse about recognition, creating irrationalities and contradictions. The starkest contradiction as Constantinou and Papadakis explain, are the two national anthems: whilst both sides want to promote the recognition of their own independent state, both use the national anthems of their respective motherlands instead of having one of their own. Moreover, any reference to the north is to be described as “pseudo.” For example, TRNC is a “pseudo-state” with “pseudo-ministers” and “pseudo-universities.” If one goes to the hospital, then that person went to a “pseudo-hospital.” The TC leader is sometimes called a “pseudo-president.” Since even “pseudo-president” might leave traces of potential recognition, the term “Turkish Cypriot leader” rather than the “Turkish Cypriot president” is preferred. The same applies for the “Greek Cypriot leader of the Greek Cypriot Government,” as TC officials refer to the president of the RoC.

As Constantinou and Papadakis argue, “the two regimes share more than they care to admit.” Despite recognition usually being a “reference to certain ‘objective’ legal prerequisites,” in Cyprus it has been “invariably interpreted and sometimes only selectively applied” to fit the political agenda of the two elites.³⁹

The agenda of the elites of both sides has been promoted, not only through symbols, historiographies and the discourse of recognition, but also with the use of education curricula. Education has been used to sustain national myths and to condition ethnic members that associate with the ideals of their nation.

39. Constantinou and Papadakis, “The Cypriot State(s) in Situ: Cross-Ethnic Contact and the Discourse of Recognition,” 131.

5.3.3 Education Curricula

History and education is used in the formation of national identities. The commonness amongst people of the same ethnic nationality is exemplified and reproduced on the back of historical narratives through school teaching. As Schissler and Soysal argue:

Textbooks do not just convey knowledge; they represent what generations of pupils will learn about their own pasts and futures as well as the histories of others. In textbooks, we find what a society wishes to convey to the next generation... The analysis of textbooks is an excellent means to capture the social and political parameters of a given society, its social and cultural preoccupations, its anxieties and trepidations. [...]. History, geography, and civic textbooks, though simplified, lay out for us the basic temporal, spatial, and discursive organisation of regions, nations and the world.⁴⁰

As Gregoriou explains de-hellenization has been a dominant term in the GC educational discourse as a counter-hegemonic practice, projecting Cyprus as a proxy of the Hellenic nation, creating sense of “marginality” and “martyrdom,” which sabotaged the creation of an indigenous Cypriot identity.⁴¹

The post-colonial fascination with roots and derision for otherness has been marked by a double colonial legacy: the colonial “Othering” of

40. Yasemin Nuhoğlu Soysal Hanna Schissler, *The Nation, Europe, And The World: Textbooks And Curricula In Transition* (New York: Berghahn Books, 2005), 7-8. Reference from Stavroula Philip-pou and Andrekos Varnava, “Construction Of Solution(S) To The Cyprus Problem: Exploring Formal Curricula In Greek Cypriot State Schools,” in *Reunifying Cyprus: The Annan Plan And Beyond*, ed. Andrekos Varnava and Hubert Faustmann (London: I. B. Tauris, 2009), 195.

41. Zelia Gregoriou, “De-Scribing Hybridity In ‘Unspoiled Cyprus’: Postcolonial Tasks For The Theory Of Education,” *Comparative Education* 40, no. 2 (2004): 254.

Cypriots and a “hybrid genus,” and the resistance to colonial usurpations of educational control by tainting every cultural contact under or through colonial rule as de-Hellenization.⁴²

Today it is almost impossible to revise the history books and it is not surprising that all attempts to do so have failed. In order to revise the history books, certain taboo issues need to be revisited; for example, the “killings of innocent Greek Cypriot left-wingers between 1955-1959 when the right wing EOKA organisation was fighting against the British colonial rule, [...] the atrocities against the innocent Turkish Cypriots in the early 1960s, and [...] the Greek Coup in 1974 which opened the door for the Turkish invasion” are issues that need to be addressed.⁴³

If this is to happen, then the entire basis upon which the contemporary RoC nation-building was based on will collapse. Another side-effect is that the image of the “other” as the “ultimate enemy” who is to be blamed for everything that happened in Cyprus will be destabilised, and as such the self-image of the GC community will also be challenged, threatening national solidarity amongst GCs.

The same challenges are present in the TC part, where the nationalist dogma was based on the premise that GCs and TCs cannot live together. This argument was put forward by the National Union Party of Rauf Denktaş who was in power up until 2004 and after 2009. GCs were the source of all the evil that happened in Cyprus, and the TCs were the victims of the GC demand for union with Greece, although after the opening of the borders on 23 April 2003, this dogma has largely been challenged

42. Gregoriou, “De-Scribing Hybridity In ‘Unspoiled Cyprus’: Postcolonial Tasks For The Theory Of Education,” 241. ‘Othering’ is described as “the process by which, through shifts in position, any given group can be ignored, trivialized, rendered invisible and unheard, perceived as inconsequential, de-authorized, ‘Other’ or threatening, while others are valorized.” Martha Gever, “Foreword,” in *Out There: Marginalization And Contemporary Culture*, ed. Russell Ferguson et al. (New York: The New Museum of Contemporary Art, 1990), 7.

43. Guðmundur Hálfðanarson and Niyazi Kizilyürek, “Two Islands Of History: ‘History Wars’ In Cyprus And Iceland,” in *Constructing Cultural Identity, Representing Social Power*, ed. Kim Esmark et al. (Pisa: Pisa University Press, 2010), 6.

by the bicommunal contact of the people in civil society.

Derya examines the “Turkish nationalist historiographical/pedagogical narrativisation of Turkish Cypriots and Cyprus in order to demonstrate the ways in which Turkish Cypriots were objectified as the historical objects of Turkish national pedagogy.”⁴⁴ Derya shows how the creation of the “evil other” serves as a dual amplifier since it “displaced the cultural differences between Turkish Cypriots and Anatolian Turks” and at the same time situated the problem as one amongst Turks and Greeks. In this process, GCs are defined as ancestors of those Greeks who tried to break the Ottoman Empire apart. This narrative leads to the logical conclusion that Turkish Cypriots are descendants of Anatolian Turks, emphasising the sameness between TCs and contemporary Turks and strengthening the idea that Turkey is the motherland of the TC community.

This historical narrative subsequently became an axis of reference against which contemporary historical events were codified. For example, the struggle of the GCs for union with Greece was codified as a struggle for the re-establishment of the Byzantine Empire, hence reviving demons of the past to feed the future. As Derya wonderfully argues:

nationalist imagination can only be possible when the nation (as a narrative strategy) absorbs the heterogenous character of politics and the cultural differences between the imagined nation-people by melting different temporalities inside the horizontal temporality of nation, by turning the patches of everyday life into the invented patches of the national life and by creating a continual slippage into the analogous through creating a linear, historicist equivalence between the even and the idea. In

44. Doğuş Derya, “North Cyprus As The Phantasmatic Space Of Turkish Nationalism: A Discursive Inquiry Into The Official Turkish Historiography In Cyprus,” in *Constructing cultural identity, representing social power*, ed. Kim Esmark et al. (Pisa: Pisa University Press, 2010), 19–30.

this sense, the pedagogical narrativisation of Cyprus should be taken into consideration as a narrative strategy that produced the possibility of imagining a Turkish nation in Cyprus. This was elaborated through an ahistorical equalisation between the two different historical cases (the Turkish War of Independence and the interethnic conflicts in Cyprus), as well as between the two different communities (the Turkish Cypriots and the Anatolian Turks).⁴⁵

5.3.4 Evaluating the Success of Ethnocentric Education Curricula

In §3.2.4 the role of education in a liberal multicultural society was discussed in relation to Millian freedom that underpins Kymlicka's theory of MC. In this section the educational system in Cyprus will be evaluated, in order for the reader to juxtapose it to the ideal sketched in §3.2.4. In chapter 7 practical suggestions on the function and limit of education in a liberal multicultural state will be provided, which will be in accordance with the theory outlined and defended in chapter 6.

The official historical narratives found in GC and TC formal education curricula are similar since they portray each other as the aggressor, refusing personal blame and silencing the pain of the other, in effect reducing the historic existence of the "other" on the island, reaffirming the dominant discourses of Cyprus being Greek or Turkish.⁴⁶ The studies conducted in the North are not available in English, so for the purposes of the remaining of the section, GC studies will be used to demonstrate the effect of national conditioning through education.

Philippou and Papadakis identified four mechanisms of ethnocentric identity

45. Derya, "North Cyprus As The Phantasmatic Space Of Turkish Nationalism: A Discursive Inquiry Into The Official Turkish Historiography In Cyprus," p.20

46. Yiannis Papadakis, "Narrative, Memory And History Education: A Comparison Of School-books In the "History of Cyprus", *History and Memory* 20, no. 2 (2008): 128–148.

formation through education curricula. The first is the language used in the GC textbooks which is representative of the way identity is created through education; the term “Greek” and “Cypriot” is used interchangeably, suggesting that they are one and the same, denoting to an extent that Cyprus is Greek and non-Greeks are not Cypriots, therefore, Turkish Cypriots are Turkish, hence foreigners, who being an eternal enemy to the “Greek Nation,” are an enemy of “us” the Greek/Cypriots.⁴⁷

The second mechanism is the historical narrative, which overemphasises the Greek element of Cypriot identity, reducing the TCs from a political community to a cultural and religious group, “undermining the sense of political equity that various solutions to the Cyprus problem require.”⁴⁸

The third mechanism is the content of Cypriot identity, which is fundamentally different from the Greek. Whilst the latter is defined in national and ethnocultural terms, marking the distinctiveness between Greek and Turkish identity following the loyalty of each to its respective motherland along with its myths and symbols, the Cypriot identity is defined as a civil identity, “which attaches Cypriots to the Republic of Cyprus as a state and as a place of residence with no emotional or psychological appeal.”⁴⁹

The fourth mechanism is the use of Europeanisation to reaffirm the Greek ethnocultural identity. Cyprus is presented as European because of its Greek-Roman culture and Christian heritage. Hence Europe is understood through the ethnocultural nationalist content, which assumes that the “European civilization” is a continuation of the Greek and Roman history.

47. Loris Koullapis, “The Subject Of History In The Greek Cypriot Educational System,” in *Clio In The Balkans: The Politics Of History Education*, ed. Christina Koulouri (Thessaloniki: Center for Democracy / Reconciliation in Southeast Europe, 2002), 406–413.

48. Niyazi Mustafa Kizilyürek and Panicos Chrysanthou, *Our wall*, Film or Broadcast, 1993.

49. Philippou and Varnava, “Construction Of Solution(S) To The Cyprus Problem: Exploring Formal Curricula In Greek Cypriot State Schools,” 201.

The most prominent result found from the analysis of the history books is that responsibility is always allocated to the other side. For example, responsibility for the 1963 civil war is only traced to the Turkish side. The plan “Akritas,” a strategy conceived by the GC elites in order to achieve enosis is never mentioned. The plan was to amend the negative provisions of the 1960 constitution, cancelling the Treaties of Guarantee and Alliance that provided for Greek, Turkish and British intervention when the constitutional order of the Republic of Cyprus was in jeopardy. The plan of the GC elites was that once the Treaties were abrogated, the GCs would seek international support for their right to self-determination, which would eventually lead to the unification of Cyprus with Greece. This plan, although discussed in the former GC president Glafkos Clerides’ book *My Deposition I* is rarely acknowledged and it is maintained as a “common secret.”⁵⁰ The same applies to the events in Agios Theodoros and Kofinou in 1967, where fighting between the GC National Guard and TMT resulted in the death of more than two hundred unarmed TC civilians.⁵¹

“Appropriating blame to others was closely linked [...] with the second theme, that of the legitimacy of the Republic of Cyprus. [...] The post-1974 case of Cyprus is clearly constructed as a case of violation of state-hood of an internationally recognised state by a foreign state.”⁵² This policy achieves two ends – the first is to avoid responsibility for the events prior to the 1974 Turkish invasion and the second is to allocate responsibility to an “outside” entity, Turkey, presenting the problem as one of military intervention, dismissing the bicomunal conflicts of the 1960s, EOKA, TMT, the undermining of the RoC by the GC and TC elites and so on.

By refusing to accept any responsibility and transferring the totality of the

50. Glafkos Clerides, *Cyprus: My Deposition I* (Nicosia: Alithia Publishing, 1989), 220-221.

51. Philippou and Varnava, “Construction Of Solution(S) To The Cyprus Problem: Exploring Formal Curricula In Greek Cypriot State Schools,” 202.

52. *ibid.*, 204-205.

blame to others – the Turkish invasion, British imperialism, or the Greek Junta – in the end redefines the Cyprus problem as a humanitarian issue, presenting GCs as those whose human rights have been violated following the 1974 military intervention. Similarly, one thing that is kept out of the public sphere in relation to the 1974 events that led to the Turkish invasion, is that during the first and second face of the Turkish invasion, Turkey issued a proposal in Geneva for a solution (based on bi-communal, bi-zonal separation), stating that if it was not accepted they would proceed to a second military operation.

For the GCs the Cyprus problem is reduced to a critique of an uncooperative Turkey whose absolutely and solely responsible for the fate of the GC people, who are the obvious victims as human rights have been violated without them having anything to do with it. Moreover, as Varnava and Philippou explain, “the occupied areas are portrayed as currently empty, waiting for their Greek Cypriot owners to return; as if this will happen in an unproblematic manner and without the political changes required for a federal state, the agreed political basis for a solution, to come into existence.”⁵³

Education curricula are also used to filter newly-negotiated identities, like the European one.⁵⁴ Two studies explain how students in Greek Cypriot schools negotiate their identities – what they perceive their identity in relation to ethnicity, language, religion, how these identities are classified, how they are used to appropriate new forms of identities – e.g. of being a European. The two studies that will be

53. Philippou and Varnava, “Construction Of Solution(S) To The Cyprus Problem: Exploring Formal Curricula In Greek Cypriot State Schools,” 208.

54. This is contrary to the analysis made by Anastasiou, who argues that the more Cyprus becomes Europeanised, the less will be the prominence of the dual-nationalisms. The studies presented here, show that the course to Europeanisation is filtered through and assimilated by the ethnocentric national narratives. See Harry Anastasiou, *The Broken Olive Branch: Nationalism, Ethnic Conflict And The Quest For Peace In Cyprus, Volume 2: Nationalism Vs Europeanisation* (Syracuse: Syracuse University Press, 2008).

briefly outlined explain how education is used to construct national identities and how these identities are used to explain new identities. Most importantly, the two studies assess the success of the education curricula in instilling the sense of national belonging that their elites want in the children and provide insights on how each of the personal identities – ethnicity, language, religion, gender – relate to each other.

Stavroula Philippou, an education scholar, conducted both of the studies. In the first she wanted to find “the ways in which 140 10-year-old Greek-Cypriot pupils constructed their national and European identities.”⁵⁵ When GC children were asked to hierarchically classify their identity, the religious identity was the most important of all. Following their identification as “Christian Orthodox” next came their Cypriot and gender identities. The other national identities employed the middle ground, with the GC being more important than the Greek one.

When the attitude of the GC children in respect to Greek people was assessed, the children answered that they liked the Greeks very much because of their many similarities. The discussion of the sources of familiarity, indicated that “hellenocentrism [...] permeated pupils’ talk of their national identity.”⁵⁶ Whilst the Greek element is central in their perception of their national-identity, it is important to notice that the Greeks were referred to as “them” instead of “us,” meaning that there was a clear identification of the “otherness” of Greek people. The “otherness” was undermined when issues of religion entered the discussion. As Philippou explains, the feeling of “Greekness” was justified and explained using the commonality (and centrality as an identity marker) of religion. Religion is considered part of the national-identity and the national-identity is exclusive to one religion; as such, the one reinforces the other and strengthens the dominant ethnocentric nationalism that underpins the

55. Stavroula Philippou, “Constructing National And European Identities: The Case Of Greek-Cypriot Pupils,” *Educational Studies* 31, no. 3 (2005): 293–315.

56. *ibid.*, 303.

GC pedagogy.

“Space” was a justification usually employed in explaining the support of some identities over others, like the adoption of Greekness as part of the national-identity, but this was not the case with other space-related identities like the Mediterranean or the European. This exposed a further shortcoming, which was the inability of GC pupils to adopt multiple identities. Instead, GC 10 year olds, adopted as Philippou explains:

an essentialist and a-historical understanding of their national identity, permeated by Hellenocentric elements [where] “Greekness” was construed in essentialized, a-historical and primordial terms of kinship and blood bonds, as well as perceived ethno-cultural, religious and historical commonalities.⁵⁷

The religious and national identities are the most salient, whereas the European identities are considered at best irrelevant, at worst a threat to their national and religious identities. Europe was conceived either as a tool that could be used in favour of the GC side, or a threat to the Hellenic heritage of the island. When asked whether Cyprus was European or not, the answer was positive, following the general positive feeling towards EU accession. Interestingly, when the children were asked to justify why Cyprus belonged to Europe, they answered that it was because of the Greek origin of Cyprus; Cyprus and Greece being European versus Turkey being non-European, demonstrating that even the European identity was realized through the dominant nationalist and religious identities. Therefore, Philippou concludes that GC children understand “Cyprus [as] monocultural and Greek,” and assume “that Turkey and Turkish-Cypriots are non- European”, revealing “an intolerance to-

57. Philippou, “Constructing National And European Identities: The Case Of Greek-Cypriot Pupils,” 308.

wards ‘others–Turks’, the latter representing the East and Islam as opposed to the West (Europe) and Christianity”.⁵⁸

The relation between the national and European identity is more complicated. It is necessary to consider that the study was done before Cyprus’ accession to the European Union. As such, whilst the children considered the European identity to be in conflict with their national-religious one, they were not opposed to a future adoption of the European identity when Cyprus became a full EU member. At the same time, even though the possibility of the further adoption of the European identity was not excluded, Europe was defined as “large” and “big,” whilst Cyprus as “weak” and “small.”

This study shows that national, cultural and religious identities are complicated, multi-layered and most importantly, arbitrary, verifying that education plays a central role in the process of identity formation and along with religion (which in the case of Cyprus is integrated into education) are the key elements that shape the self-categorisation of the school-children in Cyprus.

Philippou continued to research the relationship between the national and the European identity of GC pupils, asking the question *What makes Cyprus European?*⁵⁹ A recurrent theme in her article is the secondary question of whether the Habermasian sense of national solidarity – civic patriotism in a post-national state – is possible in Cyprus and the effect that Europeanisation has in this process.⁶⁰

The results are divided into three parts. The first conclusion is that the Europeanism of Cyprus is justified through Hellenocentrist and Hellenocypriocen-

58. Philippou, “Constructing National And European Identities: The Case Of Greek-Cypriot Pupils,” 308-9.

59. Stavroula Philippou, “What Makes Cyprus European? Curricular Responses Of Greek-Cypriot Civic Education To ‘Europe’,” *Journal of Curriculum Studies* 41, no. 2 (2009): 199–223.

60. Jürgen Habermas, “Citizenship And National Identity: Some Reflections On The Future Of Europe,” in *The Condition of Citizenship*, ed. Bart Van Steenbergen (London: SAGE, 1994), 20–35.

trist discourses by emphasising the Greekness of Cyprus and excluding all non-Greeks (national minorities and immigrant groups) from any legitimate entitlement to Cypriot citizenship. In this context, Cyprus is Greek and anyone who is not of Greek origin is not Cypriot. Therefore, Cyprus is portrayed as a monocultural state, where multiculturalism poses a threat to the local Greek character of Cyprus and undermines the national identity. According to this narrative, Europe is used to empower the Hellenocentric national identity and as such, even when Europe is discussed, it is within this framework of monocultural ethnic discourse.

The second conclusion, which follows from the first, is that any discussion about constitutional patriotism through the constitution of the Republic of Cyprus, involves civic nationalism. Therefore, even if Cypriocentrism were to underpin a “common community of shared democratic values,” this attempt would be blind to the constitutional oppression that certain minorities face. For example, the Turkish Cypriots perceive the 1960s constitution as one that reduces them to a religious group and treats them unequally, exposing them to gradual assimilation by the GC majority.

The third conclusion is that the discourses of “Eurocentrism” and “Hellenocentrism” are not static. “Europe” has been employed in the justification of modifications in educational curricula and in the implementation of multicultural policies. At the same time, multiculturalism and the need for intercultural dialogue is increasingly becoming prominent, especially after the Annan Plan and the opening of the borders in 2003.

Finally, Europeanisation in Cyprus has been an ambiguous process since it began in the context of European Imperialism but then became interwoven in the nationalistic narratives; on the one hand of Cyprus being Greek and Christian and on the other hand, of Europe being Christian. Both the British and the GC politicians

have emphasised the Ancient Greek heritage of the island, and as such, perplexed the relationship between Europeanisation, national identity, religion and nationalism.

Having discussed the relationship between the two communities, the events that caused the conflict and the policies of the two states towards the other, as well as the way the two regimes used nation-building and education curricula to instill their own historiographies upon their people, this thesis will now turn to examine the status of the other cultures of the island, in order to examine what was the impact of the bicomunal conflict and the Turkish invasion on them; specifically on their cultural survival and constitutional status.

5.4 Non-dominant Minority Cultures

The minority national cultures in Cyprus have been internally excluded because of the antagonisms of Greek and Turkish foreign nationalisms and because of British, American, Greek and Turkish imperialisms.⁶¹ In this section, the different minority cultures in Cyprus will be presented – their history, their treatment by the two dominant cultures, and finally, their assimilation into the dominant societal culture through their constitutional misrecognition in 1959. The cases of the minorities presented here, will be utilised in chapter 6 to illustrate how misrecognition works and to consider in accordance with the process outlined in chapter 4 concerning what assumptions need to be considered before MC can be exported to post-violent conflict situations like Cyprus.

In 1960, the Republic of Cyprus became recognised as an independent state, with the Greek and Turkish as the two main national minorities. Maronites, Arme-

61. Varnava, "The State Of Cypriot Minorities: Cultural Diversity, Internal-Exclusion And The Cyprus 'Problem'."

nians and Latins were recognised as “religious groups,” having 3630, 2752 and 4505 members respectively.⁶² The reduction of Cyprus’ national minorities into religious groups disadvantages them in two ways.

Firstly, they are disadvantaged because the constitutional framework of the 1960 Republic of Cyprus internally excludes them. Their cultural identity is suppressed and assimilated under the utilisation of “ethnicity” as the marker for national identity. As Varnava explains, the term “ethnicity” and “ethnic minority” did not exist prior to the British colonialists and as such, the creation of the two ethnicities developed “after a period of decades when British policy, institutions, Greek nationals, and Hellenised Cypriots spread Hellenic identity to the island, to which Muslim elites, influenced by Atatürk’s reforms, reacted in kind to advocate Turkish national identity.”⁶³ In this process, the other minorities of the island became excluded and their identity was only maintained if it did not pose a threat to the dominant nationalisms.

Secondly, non-dominant minorities were negatively impacted by the bicomunal conflict, because during the period of 1963-1964, when GCs and TCs fought against each other in a civil war, the three national minorities suffered displacement. For example, Cypriot Armenians were forced to leave the centre of the old city of Nicosia in 1964 and the Maronites because of the Turkish military intervention in

62. Article 2 (1-3) of the 1960 constitution is clear about the classification of non-Greek or Turkish minorities as religious groups. It writes: “(1) the Greek Community comprises all citizens of the Republic who are of Greek origin and whose mother tongue is Greek or who share the Greek cultural traditions or who are members of the Greek-Orthodox Church; (2) the Turkish Community comprises all citizens of the Republic who are of Turkish origin and whose mother tongue is Turkish or who share the Turkish cultural traditions or who are Moslems; (3) citizens of the Republic who do not come within the provisions of paragraph (1) or (2) of this Article shall, within three months of the date of the coming into operation of this Constitution, opt to belong to either the Greek or the Turkish Community as individuals, but, if they belong to a religious group, shall so opt as a religious group and upon such option they shall be deemed to be members of such Community”

63. Varnava, “The State Of Cypriot Minorities: Cultural Diversity, Internal-Exclusion And The Cyprus ‘Problem,’” 221.

1974, left their villages in the north and joined the GC side.

The most important issue that the national minorities face, is their political isolation from the RoC. Although they are allocated limited seats in the parliament of the RoC, they cannot have a decisive impact upon any decision, since they are participating as non-voting observers. As such, even when issues that are only relevant to the minorities are discussed, the minorities have no voice. Their only option is to lobby and influence the GC MPs, assuming of course that their claims do not contradict the interests of the MPs in question. Therefore, even when laws that affect only national minorities are up for discussion, the minorities have no way of influencing the outcome, since they have no voting rights.

5.4.1 Three Types of Minorities

The non-dominant minorities mentioned above, can be classified in three categories: national minorities (Armenians, Maronites, Latins), non-recognised minorities (Cypriot Roma) with historical presence on the island and finally, hybrid cultures (Linobambakoi) that are also not recognised by either side. The three types will henceforth be outlined, before their historical presence in Cyprus is discussed in more detail in the remaining parts of this chapter.

The first group are national minorities like the Latins, Armenians and Maronites, all of which were given a three-month period to choose the nationality to which they wanted to enter into with the creation of the RoC in 1960. The case of Maronites is especially interesting as the Vatican intervened after 1974 resulting in them having rights in the north, despite having chosen the Greek ethnicity. They were arbitrarily labelled as Greek Cypriots, nevertheless they had to renegotiate their identity both in the north and in the south, in order to avoid the social stigma and the

associated negative status that resulted from their “right” to move across the divide.

The second case is that of the Cypriot Gypsies (Roma) who were never an organised minority, although their presence on the island can be traced back to the 17th century. During the establishment of the RoC in 1960, the Gypsies did not choose to join either of the two ethnicities. The Muslim-Gypsies became assigned to the Turkish ethnic group and the Christian-Gypsies to the Greek one. The 1974 separation found some Gypsies living in the north and some in the south part of Cyprus. Those living in the north were situated at Morphou and as newly-found Turks, were assigned the TC nationality. In the early 2000s, unemployment in the north was very high and as a result many Gypsies decided to migrate to the south in order to seek employment (as every citizen of the RoC has the right to do). At the beginning, there was confusion amongst the RoC officials as to whether Gypsies should be treated as TCs (and therefore as equal citizens of the RoC). This confusion led to the imprisonment of many of them who did not hold official documents. Those imprisoned, were paradoxically treated as illegal immigrants. At the social level, they were accused of espionage because like Maronites, they were able to cross the divide. As a result, no community or village was willing to accept them. The RoC transferred them to Kotsiatis, next to the Nicosia rubbish site, and then to a geographically isolated TC village in Paphos (Makounta) and to the TC section of Limassol.

The third case is that of Linobambakoi, who were Cypriots with hybrid religious beliefs. As Constantinou explains:

these people participated in each other's religious rituals and festivities, partook in the surrounding spiritual menu, without necessarily or consciously becoming 'Muslims' or 'Christians', or even Linobambakoi, which in any case was rarely a self-designation. Associating religion

with exclusivist ethnic identity rendered strange such theological hospitality.⁶⁴

The case of Fatma Usta in Potamia is illuminating and was presented in the documentary *Our Wall*.⁶⁵ Usta, was a TC resident in the RoC, a Muslim who wore the black attire typical for Greek-Orthodox widows, and

crossed herself, smoked the house in Christian fashion and occasionally joined mass. She also tried to receive communion, though this was denied to her. She still visited the mosque when she went to the north and has been buried in the Turkish cemetery of Potamia. In her single-room house, three pictures were prominent and quite revealing: Archbishop Makarios, Kemal Attaturk and King George.⁶⁶

Such cases have been excluded from the historiography of both sides. The cosmopolitan nature of Linobambakoi was reduced to the understanding that they were Greeks who not withstanding the oppression of the Ottoman Empire converted to Islam.

5.4.2 History of the Armenians

The first time Armenians came to Cyprus was during the end of the 6th century AD, after the military campaigns of the Byzantine Maurice against the Persians in Southern Armenia.⁶⁷ Armenians were sent to Cyprus to defend and cultivate the

64. Constantinou, "Aporias Of Identity: Bicomunalism, Hybridity And The 'Cyprus Problem,'" 252.

65. Kizilyürek and Chrysanthou, *Our wall*.

66. Constantinou, "Aporias Of Identity: Bicomunalism, Hybridity And The 'Cyprus Problem,'" 265.

67. Gerard Dedeyan, "The Armenians In Cyprus During And After The Ottoman Conquest," in *The Minorities Of Cyprus: Development Patterns And The Inclusion Of The Internal-Exclusion*, ed. Andrekos Varnava, Nicholas Coureas, and Marina Elia (Newcastle upon Tyne: Cambridge Scholars Pub-

land. Later, in 961, Cyprus along with Crete was utilised as a docking station for the ships of the (Armenian origin) Macedonian dynasty during their attack against the Arabs.

A century later, in 1136-1137, Armenians were sent to Cyprus under the leadership of emperor John II, in order to join the dynasty of Comneni, then under Isaac Comnenus. The Armenians sent in defence of Cyprus along with the Greeks fought against King Richard the Lionheart of England who conquered the island in 1191.

By the 13th century, Armenians had established themselves in Cyprus, mostly working as serfs, concentrated in the village of Arminou, specialising in vineyards. Moreover, their presence in the army was significant enough to be recorded in the documents of the Genoese attack of 1369, guarding the Paphos Gate in Nicosia. Their presence on the island became more profound during the 14th century, when many Armenian immigrants fled to Cyprus following the Mamluk attacks against Cilicia. Also, because the rulers of Cilicia favoured and promoted latinising policies, many Armenian monks came to Cyprus and by the end of the 13th century they had created churches and monasteries. It is important to note that the Armenian Church was represented in Cyprus by two bishoprics, the one situated in Nicosia and the other in Famagusta.

During the Ottoman Rule, although Armenians did not challenge the establishment of the Ottoman Empire, they did not assist the Ottoman conquerors either, contrary to what many GCs suggest. In fact, as Dedeyan explains “the Ottoman Occupation of Cyprus was regarded in wider Armenian circles as a calamity for Christianity.”⁶⁸

The intercommunal tensions started under Venetian rule and were main-

lishing, 2009), 52–91 provides a historical outline of the presence of Armenians in Cyprus, during and after the Ottoman Conquest.

68. Dedeyan, “The Armenians In Cyprus During And After The Ottoman Conquest,” 90.

tained during the reign of the Ottoman Empire. These included disputes between Greeks and Armenians over mostly religious monuments. After the Ottoman Empire, the number of Armenians declined along with their political influence.

5.4.3 History of Latins

Latins are Roman Catholics who came to Cyprus and founded their church in 1196, under the papal edict of Pope Celestine III. The established Roman Catholic Church was dissolved when the Ottomans conquered Cyprus, although the Roman Catholic clergy did not give up their offices.

The influence of the Roman Catholic clergy was tempered by international and internal consequences. Internationally, the Ottoman Empire engaged in wars against Spain, Venice and the Austrian Empire, all of which were Roman Catholics. This created the hostile attitude of the Ottoman rulers of Cyprus against the local Roman Catholic community and their religious leaders. Internally, although many Christian Orthodox bishops favoured the Roman Catholics, this friendly sentiment was not transferred to the masses, because the Orthodox high clergy were afraid of the Ottoman rulers. Moreover, some of them, being influenced by Calvinism, adopted the hatred that existed between the two strands of Catholicism and became strongly opposed to Roman Catholicism. Another reason for the failure of Roman Catholics to become dominant within the Cypriot public sphere was their internal disputes – Observant Franciscan friars were in opposition to the Latin episcopacy of the island.

As a result of these circumstances, the Latins in Cyprus did not manage to “convert a significant number of Orthodox Christians to Roman Catholicism and thereby to become a church with a mainly indigenous flock as opposed to one con-

sisting preponderantly of Western Europeans.”⁶⁹

5.4.4 History of Maronites

Maronites firstly resided in Cyprus in 686, when the Mardaites were forced from Mt. Lebanon by Justinian and settled in Satalia on the southern coast of Asia Minor.⁷⁰ Once the Ottomans took over the control of the island, they changed the social and political system, replacing it with Islamic and Sharia laws. The Millet System also replaced the feudal system, and minority groups were granted religious freedom. (Tensions because of rivalry and prejudice existed, but overall the coexistence of various religious groups was peaceful).

When the Ottomans came to the island, the orthodox Christians revolted against their Latin landowners (the Venetian Empire that predated the Ottoman), whereas the Cypriot Maronites expressed allegiance to their Latin coreligionists. This allegiance was to be recalled once the island came under the total control of the Ottomans, since the latter were brutal against all Christians, killing clergymen and transforming churches into mosques. Paradoxically, the largest Christian Church, the Greek Orthodox, was of interest to the Ottomans, as it was “a ready-made administrative machine, suitable for both political and fiscal administration, and a structured hierarchy through which even remote communities were within easy reach.”⁷¹ Once the Orthodox Church regained the power that it had lost during the Latins, it

69. Nicholas Coureas, “Stunted Growth: The Latin Clergy Of Cyprus In The Ottoman Period,” in *The Minorities Of Cyprus: Development Patterns And The Inclusion Of The Internal-Exclusion*, ed. Andrekos Varnava, Nicholas Coureas, and Marina Elia (Newcastle upon Tyne: Cambridge Scholars Publishing, 2009), 109-110.

70. Guita G. Hourani, “The Maronites Of Cyprus Under Ottoman Rule,” in *The Minorities Of Cyprus: Development Patterns And The Inclusion Of The Internal-Exclusion*, ed. Andrekos Varnava, Nicholas Coureas, and Marina Elia (Newcastle upon Tyne: Cambridge Scholars Publishing, 2009), 111-135.

71. *ibid.*, 117.

retaliated against both Latins and Maronites by confiscating their churches and accusing them of plotting against the Ottoman Empire in an attempt to reinstate the Venetian Empire.

With the establishment of the Ottomans on the island, the economy declined, forcing many Christians to convert to Islam for economic and political reasons. These converts were described as *Linobambakoi* – “a composite Greek word that means linen and cotton [...] a fabric woven with cotton and linen which had two different sides corresponding thus to the two aspects of these people’s faith who overtly were Muslims and covertly kept their Christian beliefs.”⁷²

As a result, from 1690 to 1759, the Maronites were left without priests, and Latins administrated their villages. Therefore, the Maronites, having no spiritual and secular leaders, went under the guidance of the Orthodox Church, who was taxing them heavier than those of the Christian Orthodox religion. As Hourani explains “the Orthodox Church could levy taxes on those who came under its jurisdiction; the Maronites, lacking spiritual and secular leaders, came under the control of the Orthodox Church. It seems that the Orthodox bishops increased the taxes or obliged the Maronites to pay other people’s share.”⁷³ Their only support during this period was from Lebanon, by the Patriarch and the College of Bishops, which intervened whenever injustice happened against them.

By the end of the Ottoman rule, the Maronites were peasants (because of the high taxes they paid to the Orthodox Church) and most of them lived in rural villages. Indicative of the oppression that they were under, is the letter of November 25th, 1847, sent to the Maronite representative before the Sublime Porte in Con-

72. Hourani, “The Maronites Of Cyprus Under Ottoman Rule,” 120-121; Skendi, “Crypto-Christianity In The Balkan Area Under The Ottomans.”

73. Quote from Hourani, “The Maronites Of Cyprus Under Ottoman Rule,” 117. She further explains that “this authority was justified by the Orthodox bishops as accorded to them by the Emperor Justinian and with it they claim the jurisdiction over all the clergy on the island.” (p. 124)

stantinople (Elias Hawa) by Patriarch Youssef Raji El Khazen, who explained how the Orthodox bishops were persecuting them, and how they were asked to pay more taxes than the Orthodox under the threat that if they did not the latter would close down their churches.

As Housini explains “by the time the British took over the administration of the island, the Maronites were worn-out and many of their villages became only a memory of what was once were.”⁷⁴

What makes the case of the Maronites distinct, when compared to the rest of the national minorities in the country, is their linguistic status. Cyprus Maronites, speak a local language, Cyprus Maronite Arabic. The RoC has repeatedly denied recognition of this indigenous language. Under the presidency of Tassos Papadopoulos, the Republic has explicitly denied the existence of such a language, and it was only after the 2008 intervention of the Council of Europe that it was forced to grant them recognition. Even then, the RoC, again under Papadopoulos, falsely claimed that the only people who actually spoke the language were a handful of elderly Maronites living in the north part of Cyprus, beyond the control of the RoC. As Constantinou shows in his documentary *The Third Motherland* the language is spoken in the RoC as well, and it is now taught at the Maronite State School in Lakatamia, Nicosia.⁷⁵ The RoC, to this day, has yet to allow the teaching of Cyprus Maronite Arabic during school hours and as such, the Cypriot Maronite children need to stay after hours to learn the language of their culture.

The case of the Cyprus Maronite Arabic is not the only piece in the puzzle of

74. Hourani, “The Maronites Of Cyprus Under Ottoman Rule,” 135.

75. Costas M. Constantinou and Giorgos K. Skordis, *The Third Motherland*, <http://www.youtube.com/watch?v=JVKH7thX8vc>, 2011 It contains a series of informal interviews at the village of Kormakitis. As Constantinou himself says: “the film reveals the dilemmas of identification and belonging and accounts for opposing feelings and beliefs within and beyond the community.” It is “a film about cultural loss, co-option, denial of rights and everyday social problems, but also of ethnic pride, cultural revival, communal joy and resistance.”

the linguistic politics in Cyprus, although it is the only one recognized as indigenous to Cyprus.

5.4.5 Multilingualism in Cyprus

In Cyprus, the Euromosaic III study recognises three minority languages on the island, the Armenian, Cypriot Arabic and Romani, and also recognises the minority status of Greek and Turkish language in the area controlled by the TCs and by the GCs respectively.⁷⁶ The most interesting case is that of Cypriot Arabic which has been spoken since the 7th century. Whilst under the 1992 Charter, the RoC was forced to recognise Armenian as a minority non-territorial language it refused to recognise Cypriot Arabic and classified it not as a language but rather as a dialect.⁷⁷ Karyolemou explains that linguistically speaking this is wrong, since it goes contrary to the Charter, irrespective of whether the RoC argues that the Cypriot Maronite is only spoken by “elderly Maronites who live in the village of Kormakitis” and that

76. European Commission, *Euromosaic III*, 2004.

77. The Final Report of the High Level Group on Multilingualism explicitly states that “the revival of the regions and the revitalisation of regional and minority languages are among the most striking developments in the history of the [European] Union”. The research on minority languages in the European Union indicates that minority languages have been excluded because of the institutionalisation of monolingual ideology. The reality is far from the common perception of French people speaking French, Spanish people speaking Spanish and so on. In fact, such perceptions concealed “the presence of other language varieties such as Basque, Catalan, Occitan, Breton, Alsatian, Flemish, Corsican or Franco Provençal in France and Catalan, Aragonese, Basque Occitan or Galician in Spain.” There are approximately 140 minority languages. The European Charter on Regional or Minority Languages was a very important milestone in the future of minority languages as it connected recognition of a minority language with the obligation to take action for its survival. As such, as the Explanatory Report to the European Charter explains, the Charter “not only contains a non discrimination clause concerning the use of these languages but also provides for measures offering active support to them”. For the reports, see Office for Official Publications of the European Communities, *Final Report: High Level Group on Multilingualism*, http://ec.europa.eu/education/policies/lang/doc/multireport_en.pdf, 2007, 18 and European Union, *European Charter for Regional or Minority Languages*, 1992. For more discussion on the linguistic politics of Cyprus, see Marilena Karyolemou, “Minorities And Minority Languages In Cyprus,” in *The Minorities Of Cyprus: Development Patterns And The Inclusion Of The Internal-Exclusion*, ed. Andrekos Varnava, Nicholas Coureas, and Marina Elia (Newcastle upon Tyne: Cambridge Scholars Publishing, 2009), 316–336.

“the language is not written.”⁷⁸

Constantinou, in a PRIO Policy Brief, discussed *The Protection and the Revival of Cypriot Maronite Arabic*.⁷⁹ In November 2008, after a long process and after the unwillingness of the Cyprus Government (under the nationalist president Tassos Papadopoulos)⁸⁰ to recognise the Maronites as an ethnic community with a unique language, the Council of Europe declared that “it recognises Cypriot Maronite Arabic (CMA) as a Minority Language within the meaning of the European Charter for Regional or Minority Languages.” As such, renewed interest and funds are now allocated for the survival and revival of such an integral part of Cypriot cultural heritage, that has been almost extinct because of the unwillingness and ethnocultural bias of the RoC to ensure the maintenance of all cultures in Cyprus.

The neglected state of the Cypriot minority language is a product of the lack of social awareness which relates, firstly to the ethno-religious criteria needed to recognise a group as a minority and secondly, to the classification of the RoC in the 1960 constitution as a diglossic society (which nonetheless is not bilingual – each of the two dominant communities speaks its own language). Therefore, because of the low minority awareness in Cyprus, there is a “sociolinguistic invisibility,” which results from the following factors: “(a) reduced size of the minority community, (b) demographic dispersion, (c) low degree of endogamy, (d) decline in minority language transmission coupled with a rapid assimilation to another/the dominant language and culture, (e) absence of codification [...] (f) absence of linguistic irredentism or claim.”⁸¹

78. Republic of Cyprus, *Second Periodical Report On The Implemenataion Of The Charter In Cyprus*, 17 January 2008.

79. Costas M. Constantinou, “The Protection and Revival of Cypriot Maronite Arabic,” *PRIO Cyprus Centre Policy Brief (January)*, 2009, 8.

80. CMA was officially recognised by the government that succeeded the one led by Mr Papadopoulos.

81. Karyolemou, “Minorities And Minority Languages In Cyprus,” 327.

5.4.6 Multiculturalism and Education: lack of recognition

The assimilationist attitude of the Republic of Cyprus towards its non-dominant minorities, was cultivated and perpetuated through education curricula. Having seen how the Republic uses education to create ethnic citizens that oppose their ethnic rivals, the same attitude can be seen in the educational policy of the RoC in relation to the rest of the minorities found in the island.

Varnava examined the GC textbook for history lyceum students, issued by the Ministry of Culture and Education of the RoC and argues that “the inclusions and exclusions that form national identity are employed in the case of the minorities – of ‘others’ around the majorities – and thus there are historical inaccuracies in such narratives.”⁸² Especially in the case of non-dominant national groups such as the minorities in Cyprus, their history is presented as one that is parallel to that of the GCs implying that they have been assimilated to the GC identity and culture. As such, a shortcoming is identified, one that calls for the revision of history books in order to account for the multicultural history of Cyprus.

As Philippou suggests, Cyprus is similar to Israel in its nation-building through an ethno-centrism that either excludes or assimilates minorities and immigrants who do not endorse the dominant ethnic myths.⁸³ Therefore, the GC education is deeply Hellenocentric. In the rare cases where multiculturalism is mentioned, it is portrayed as a recent phenomenon that is not to be traced in the history of Cyprus. As a result, historical minorities of the island, like the Latins, Armenians and Maronites do not have different chapters in the history textbooks. Therefore, the teach-

82. Andrekos Varnava, “The Minorities Of Cyprus In The History Of Cyprus Textbook For Lyceum Students: A Critique,” in *The Minorities Of Cyprus: Development Patterns And The Identity Of The Internal-Exclusion*, ed. Andrekos Varnava, Nicholas Coureas, and Marina Elia (Newcastle upon Tyne: Cambridge Scholars Publishing, 2009), 299–313.

83. Stavroula Philippou, “On The Borders Of Europe: Citizenship Education And Identity In Cyprus,” *Journal of Social Science Education* 6, no. 1 (2007): 72-73.

ing of history is not one that encourages reflection but one that encourages the maintenance of Ethnocentrism and the myth of the “clean Helleno-Byzantine cultural identity of the Greek Cypriots”.⁸⁴

Moreover, the bicommunal nature of the 1960s constitution is nowhere explained. Instead, the TCs are undermined with constant referrals to them being a minority instead of a national partner in the 1960 state. The case with the three other minorities is even worse, as they are only given minimum space at the end of the history book. Varnava analyses the order and the space allocated for the three national minorities. As Varnava explains:

the decision to start with the Armenian minority and to have nearly four times the content on them shows a bias on the part of the Greek Cypriot author, which is reflected more generally at the official government (Republic of Cyprus) level, such as in the refusal to protect Cypriot Maronite Arabic and the constant mentioning of the Armenians before the Maronite and Latin communities in official government reports.⁸⁵

Armenians: The section on the Armenians is the longest, as GCs tend to identify with the Armenians since the latter have “experienced displacement at the hands of the Turks.”⁸⁶

Maronites: The textbook mentions that since 1988 Maronites have an archbishop in Cyprus and that the language of their religious ceremonies is Arabic and Syrian, but claim that the language that all Maronites speak is Greek, and that only

84. Varnava, “The Minorities Of Cyprus In The History Of Cyprus Textbook For Lyceum Students: A Critique,” 302.

85. *ibid.*, 304. Also Ahmet An, “The Socio-Cultural Relations Of The Armenian And Turkish Cypriots,” in *The Minorities Of Cyprus: Development Patterns And The Inclusion Of The Internal-Exclusion*, ed. Andrekos Varnava, Nicholas Coureas, and Marina Elia (Newcastle upon Tyne: Cambridge Scholars Publishing, 2009), 282–298.

86. Varnava, “The Minorities Of Cyprus In The History Of Cyprus Textbook For Lyceum Students: A Critique,” 311.

those Maronites living in the village of Kormakitis can speak the “ancient Arabic dialect.” This is erroneous, because the Cypriot Maronite Arabic is a language and not a dialect and it is spoken outside Kormakitis as well. As Varnava puts it “nowhere in the textbook does it mention that few Greek Cypriots can understand the liturgy in their church, while the textbook fails to mention that there are other Maronites across the island that can speak Cypriot Maronite Arabic, but because of their estrangement from an environment of Cypriot Maronite Arabic speakers they do not”⁸⁷

Latins: The Latin Cypriots do not consider themselves to be of separate ethnicity. In fact, they do not consider themselves to be of any ethnicity at all. Their ‘homeland’ is Cyprus itself, and not Turkey (TCs), Greece (GCs), or Lebanon (Maronites). They self-identify as Cypriots, yet Cypriotness as a form of civil identity is never explained or researched and Latins are portrayed as Roman Catholics who have been assimilated into the GC community (and as a result internalized the Greek ethnic identity). Others: Nowhere in the book are the Roma or the Jews who also live in the island mentioned and of course, no mention is found of the recent inflow of immigrants on the island, despite some immigrant groups like the Sri Lankans being numerically bigger than the national minorities (with the exception of TCs).

5.5 From Consociational Constitutionalism to Multicultural Citizenship

The Cyprus problem is characterised by the failure of the two communities, Greek- and Turkish-Cypriots, to find a way to peacefully coexist under the same institutions of governance. The reasons that explain the failure range from religion, to colonial-

87. Varnava, “The Minorities Of Cyprus In The History Of Cyprus Textbook For Lyceum Students: A Critique,” 310.

ism, history, geography and the geopolitics that informed the interventions of the three guarantor powers. Whereas consensus on the reasons that explain the conflict can hardly be achieved, there is agreement over the *type* of the desirable constitution. The Republic of Cyprus and all the subsequent solution plans relied on the model of consociational democracy, as pioneered in the work of the Dutch political scientist Arend Lipjhart.⁸⁸ This section will discuss the main premises of consociational democracy, before proceeding to explain why it is not in itself adequate to resolve the Cyprus problem, and why a more inclusive approach, which is developed in the next chapter, is preferable over the current constitutional model.

5.5.1 Consociational Theory and the 1960 Constitution

Lipjhart defined consociationalism as the model that promotes stability through “co-operative efforts of elites to counteract the centrifugal tendencies of cultural fragmentation.”⁸⁹ The model is founded upon the premise that the instability which is caused by the antagonisms of groups within a state, can be neutralised by the actions of their elites. The actions of the elites will not resonate with the majoritarian sentiment of the two communities, which is characterised by suspicion and conflict. As Lipjhart explains “consociational democracy means government by elite cartel designed to turn democracy within a fragmented political cultural into a stable democracy.”⁹⁰

The four characteristics that define a consociational democratic system are: the existence of grand coalitions, proportionality, mutual veto and segmented au-

88. Arend Lipjhart, *The Politics of Accommodation: Pluralism and Democracy in the Netherlands* (Berkeley: University of California Press, 1968)

89. Arend Lipjhart, “Cultural Diversity and Theories of Political Integration,” *Canadian Journal of Political Science* 4, no. 1 (1971): 9

90. Arend Lipjhart, “Consociational Democracy,” *World Politics* 21, no. 2 (1969): 216

tonomy.⁹¹ As Lipjhart explains, the 1960 bicommunal constitution of the Republic of Cyprus was based on consociationalism.⁹² The consociational nature of the constitution can be seen in all three areas of governance: the executive, the legislative and the judiciary.

The executive branch was comprised of a Greek-Cypriot president, a Turkish-Cypriot vice-president and a Council of Ministers. The offices of the president and the vice-president had powers of veto on highly contested issues, such as foreign affairs, defence and security. The Council included both Greek- and Turkish-Cypriots, using a 7:3 ratio.

The legislative branch, the House of Representatives, comprised of fifty Ministers of Parliament, allocated to the two communities based on the same 7:3 ratio. Even though the seats were split between the two national groups, non-dominant minorities such as Armenians, Maronites and Latins also had representatives. But, since the state was bicommunal, the aforementioned minority cultures were considered part of the Greek community and thus counted towards the 70% allocated to the GCs. Decisions in the parliament were taken using simple majoritarianism, except on issues of local governance, taxation and alteration of the political system, which required separate majorities.

The third pillar of the government, the judiciary, consisted of the Supreme Constitutional Court and the High Court of Justice. The former was comprised of a GC, a TC and a non-Cypriot judge, and adjudicated on issues pertaining to the constitutionality of the laws passed in the House of Representatives. The latter was used as an appeals court and it was responsible for treasonable offences and offences against the constitutional order. Whereas both courts consisted of a GC, a TC and a

91. Arend Lipjhart, *Democracy in Plural Societies: A Comparative Exploration* (New Heaven: Yale University Press, 1997), 25-47

92. *ibid.*, 158-161

non-Cypriot, the High Court afforded a double vote to the non-Cypriot in order to avoid a deadlock in cases where the two sides had irreconcilable differences.

5.5.2 New Consociationalism and Multiculturalism

Since the work of Lipjhart, consociational theory went beyond its initial focus on the three arms of government. Additional areas of focus have been added to the theory, such as the organisation of the police and the military, the handling and the integration of formerly paramilitary groups into civilian life, the establishment of truth commissions, on economic reconstruction and further confidence building measures.⁹³ The new, evolved consociationalism is more appealing since it expands its focus beyond the institutions of the state. The need to move past the institutional perspective, was highlighted by neo-consociationalist theorists such as McGarry and O'Leary, who pointed out that more emphasis was necessary on the effect that external parties can have on the process of reaching and implementing an agreement, and on the mechanisms of transition from a state of war to a state of reconciliation.⁹⁴

As Chrystalla Yakinthou points out,⁹⁵ Ulrich Schneckener has taken the evolved consociational model and categorised it as “a particular form of consensus democracy,” which is “often linked to ethnically segmented societies, or rather, to multicultural polities, i.e. states or regions in which two or more ethno-national groups live.”⁹⁶ Therefore, consociational democracy has expanded beyond constitutional-

93. John McGarry and Brendan O'Leary, “Consociational Theory and Peace Agreements in Pluri-National Place, Northern Ireland, and Other Cases,” in *Failure of the Middle East Peace Process: A Comparative Analysis of Peace*, ed. Guy Ben-Porat (London: Palgrave Macmillan, 2008), 9

94. John McGarry and Brendan O'Leary, “Consociational Theory, Northern Ireland's Conflict, and its Agreement. Part 2: What Consociationalists Can Learn from Northern Ireland,” *Government and Opposition* 41, no. 2 (2006): 249; Brendan O'Leary, “Debating Consociational Politics: Normative and Explanatory Arguments,” in *From Power Sharing to Democracy: Post-Conflict Institutions in Ethnically Divided Societies*, ed. Sid Noel (London: McGill-Queens University Press, 2005), 25

95. Chrystalla Yakinthou, *Political Settlements in Divided Societies: Consociationalism and Cyprus* (London: Palgrave Macmillan, 2009), 13

96. Ulrich Schneckener, “Making Power-Sharing Work: Lessons from Successes and Failures in Eth-

ism, to become a theory that can provide guidance on how to alleviate ethnic tensions and how to facilitate the co-existence of different groups within the same, multicultural state. As Yakinthou argues, with new consociationalism there is potential for its “fusion [...] with Kymlicka’s multicultural theories.”⁹⁷ In the remaining of this section a discussion will take place explaining why the proposed fusion is unattractive.

Despite the evolution from Lijphart’s consociationalism to new consociationalism, the fundamental flaws of the initial theory remain, and it is why the fusion of consociationalism with Kymlicka’s *Multicultural Citizenship* is discouraged and will not be attempted in this thesis. Nevertheless, the criticisms that will be levelled at consociational theorists should not be taken as an outright rejection of the features of consociational constitutions. Rather, the unattractiveness of the proposed fusion relies on the rejection of (a) the premise that the actions of elites alone can yield stability (the *elite motivation* criticism); (b) the entrenchment of ethnic divisions at the level of the constitution (the *ethnocentric* criticism); and finally, the refusal to engage with actors and institutions beyond the level of the sovereign state (the *domesticity* criticism). Nevertheless, features of the consociational model will inevitably appear in any constitution that seeks to accommodate diverse groups.

Thus, consociationalism is not altogether rejected but neither is it used as the basis of the constitutional model that will be presented in the next chapters. Before proceeding to the three criticisms which will be defended using examples from Cyprus, a more theoretical challenge needs to be addressed, as it is arguably one of the most important problems of consociational theory as it stands today.

nic Conflict Regulation,” *Journal of Peace Research* 39, no. 2 (2002): 204

97. Yakinthou, *Political Settlements in Divided Societies: Consociationalism and Cyprus*, 13

5.5.3 The *Democratic Challenge*

The challenge that consociational theory sacrifices democratic legitimacy for political stability was originally articulated by Nordlinger.⁹⁸ An elected politician is a representative of the political will of her electorate. On what grounds, then, is it legitimate to make concessions that contradict her mandate by undertaking political action contrary to her electorate? What is left of democracy if stability is prioritised over the representation of the democratic will of the electorate?⁹⁹

A further objection that falls within the democratic challenge is that consociationalism suppresses opposite and conflictual views, thus curtailing the political debate. As Jung and Shapiro explain, in consociational systems most political parties are themselves part of the governing coalition. If most parties partake in governance, they will have less incentives to publicise their disagreements, to scrutinise the government, and most importantly, given that conflict is to be averted and co-operation to be promoted, to encourage the exchange of good reasons on contrasting political views.¹⁰⁰

5.5.4 The *Elite Motivation Challenge*

Lipjhart and his followers have developed what is called a top-down theory; one that is underpinned by the hypothesis that elites, often in opposition to the electorate, are motivated to work together towards stability and cooperation at the level of the executive and the legislative. The assumption that elites are motivated to work to-

98. Eric Nordlinger, *Conflict Resolution in Divided Societies*, Occasional Papers in International Affairs (Cambridge, Mass.: Harvard Centre For International Affairs, 1972)

99. Brendan O'Leary, "Majoritarian or Power-Sharing Government," in *Democracy and Institutions: The Life Work of Arend Lipjhart*, ed. Markus Crepaz, Thomas Koelble, and David Wilsford (Ann Arbor: University of Michigan Press, 2000), 165

100. Courtney Jung and Ian Shapiro, "South Africa's Negotiated Transition: Democracy, Opposition and the new Constitutional Order," *Politics and Society* 23, no. 3 (1995): 269-308

wards reconciliation and co-operation, whilst it may be valid for some cases such as the Netherlands, it is far from universal, and surely unjustified in the case of Cyprus where elite co-operation only takes place as a response to considerable grassroots pressure.

The fact that Cypriot politicians are not motivated to seek a solution to the Cyprus problem is hardly surprising. A potential solution would entail the transformation of the Republic of Cyprus, and the re-allocation of the positions of power to the elites of both communities. This, inadvertently, means that there will be less available positions of power to be shared amongst the elites of either side. As Yakinthou argues, "Cyprus provides excellent contrasting examples of the role of grassroots pressure on elite intransigence."¹⁰¹ On the one hand, during the period leading to the Annan Plan, the TCs were supportive of the negotiated constitution and elected a pro-unification coalition government under the leadership of Mehmet Ali Talat (June 14th, 2003), which "coalesced with a change in the political environment in Turkey."¹⁰² The GCs, on the other hand, did not exert any pressure upon their elites, and the latter continued being negatively predisposed against the Annan Plan, with the then President Tassos Papadopoulos asking the GC community to vote against it.

Thus, a theory that assumes elite co-operation is bestowed with the task of demonstrating the motives (and the ways by which) they will guide the desired action on behalf of political elites. Consociational theory fails to explain how the predicted behaviour is elicited.¹⁰³ Furthermore, a theory that focuses on initiatives that originate at the level of the elites and subsequently move down to the society, should

101. Yakinthou, *Political Settlements in Divided Societies: Consociationalism and Cyprus*, 24

102. *ibid.*

103. Donald Horowitz, *A Democratic South Africa? Constitutional Engineering in a Divided Society* (Berkeley: University of California Press Press, 1991), 139

be able to explain cases such as the TCs during the Annan Plan, where elite action was motivated by initiatives at the grassroots level.¹⁰⁴

Most importantly, such a theory should explain why politicians would work towards cooperation, if that cooperation would jeopardise their own position of authority. The typical consociational feature of cross-voting is paradigmatic of this problem. Cross-voting requires that each community gives a minority support to the person most preferred by the other community. If, therefore, a new state was negotiated, where cross-voting would be part of the new constitution, then nationalist politicians would know *beforehand* that their chances of election under the new rules are scarce. Why would those politicians work in favour of establishing such a system, given that it is not in their best interest? Thus, the assumption of co-operation at the level of the elites, cannot be sustained where the outcome of that co-operation will be detrimental to the personal interests of the politicians at hand. An example of this is the case of the TC leader Rauf Denktaş and the GC president Tassos Papadopoulos. The two leaders, similar in ideology and sharing opposed nationalist outlooks, had adamantly opposed the Annan Plan, knowing that their political survival would be threatened.

5.5.5 The *Ethnocentric* Challenge

The second criticism that explains why consociationalism is not endorsed in this thesis, relates to the ethnocentricity of the model, and the entrenchment of ethnic divisions at the level of the constitution.¹⁰⁵ In §6.4 you can find an elaborate discussion

104. George Kyris, "Europeanization beyond Contested Statehood: The European Union and Turkish-Cypriot Civil Society," *Journal of Common Market Studies* 51, no. 5 (2013): 866–883

105. Paul Brass, *Ethnicity and Nationalism: Theory and Comparison* (New Delhi: Sage Publications, 1991), 342; Andrew Reynolds, "Building Democracy after Conflict: Constitutional Medicine," *Journal of Democracy* 16, no. 1 (2005): 60

on the reasons why ethnic identities should not become the basis for the allocation of political rights. For the moment, it suffices to say, that by hardwiring ethnic identities at the heart of the constitution, consociationalists are sacrificing pluralism for the sake of stability.

Ethnicity, as explained in chapters 2 and 3, is an umbrella identity that covers all the domain of social and private interaction, including but not limited to language, religion, history and geography. Nevertheless, individuals are bearers of multiple identities that often contradict some of the individual identities encapsulated in the ethnic bundle. To promote ethnic identities at the level of the constitution puts those whose private identities contradict the identities exemplified by the ethos in a disadvantage.

Moreover, to explicitly afford rights, through constitutional recognition, to the members of the two ethnic communities, would be disadvantageous to those groups who are not part of the problem but are nonetheless affected by it. The case of Cyprus provides ample examples of oppression due to constitutional misrecognition, exemplified in the cultural assimilation of Armenians, Maronites and Latins. The effect of ethnically-based allocation of rights, is discussed in more detail under the term bicomunal exceptionalism in §7.4.

5.5.6 The *Domesticity* Challenge

The third and final explanation why consociationalism is not endorsed by this thesis relates to domesticity – its unjustifiable focus on the sovereign state. Consociational theorists do not adequately explain how external agents can facilitate or hinder the process of co-operation. As it is explained in §6.4, international organisations such as the United Nations or the European Union can facilitate cooperation ensuring

that the right of non-dominant minorities are not violated.

As such, a wider perspective should be adopted, where the institutions of the state are accountable to international actors, who can facilitate co-operation and help achieve the much-desired stability. Lipjhart, in his early work, has identified five main characteristics of consociational democracies: proportionality, grand coalitions, cultural autonomy, minority veto and plural society. In cases where the conflict is between two dominant ethnic groups, as is the case in Cyprus, non-dominant minorities can be subject to exclusion and oppression. In absence of an external arbitration authority, and with the ethnic identities being the determinants for the allocation of political rights, at least two of Lipjhart's five consociational features – cultural autonomy and pluralism – cannot be guaranteed, due to the reasons of assimilation and misrecognition mentioned above and elaborated upon in §6.2.

Despite the four criticisms presented above, some of the features promoted through the consociational model will be relevant to the multicultural theory that will be defended in the next chapters. Proportionality and minority vetoes, for instance, are crucial in a multicultural constitution for Cyprus, and as such, will be incorporated into the constitutional alternative developed in chapters 6 and 7. The utilisation of the mechanism for cooperation developed within the consociationalist framework can also be adopted without an endorsement of the model itself. Therefore, whilst consociationalism is not endorsed as a constitutional model, its mechanisms for co-operation can be useful for a theory of *Multicultural Citizenship*. The next chapter will provide an alternative to the consociationalism that underpins bi-communal constitutionalism; one that has an international outlook and which treats ethnic identities as irrelevant to the allocation of political rights.

Chapter 6

Revisiting Multicultural Citizenship

The case of Cyprus, outlined in chapter 5, will be used throughout this chapter, to problematise the assumptions of liberal multicultural theories when applied to non-Western contexts. In this chapter, the main pillars of Kymlicka's theory will be challenged using examples from the case of Cyprus.

In the first part of this chapter (§6.1) the static and homogeneous conceptions of culture that Kymlicka uses will be challenged. It will be argued, contra Kymlicka, that cultures are fluid ever-changing entities that are not inherently important, challenging his main premise that cultures provide a context-of-choice. Their importance depends upon the value that their members derive out of them. The argument that will be defended in §6.1, will be that more emphasis should be given to the equalisation of opportunities available to members of minority cultures vis-à-vis the members of the dominant culture and that in order to achieve this, Kymlicka's abstract conception of culture needs to be revisited. Whilst his view of cultural belonging fits within the archetypal examples found in Canada and elsewhere, they are at odds with examples found in Cyprus and other post-violent conflict situations.

In §6.2 the three-fold classification of culture – national minorities, immi-

grant groups, aboriginal peoples – that Kymlicka adopts will be further questioned. It will be demonstrated how Kymlicka's typology of culture leads to misrecognition of specific minorities, which often results in their oppression in the name of multiculturalism.

An argument in favour of a theory of recognition will be advanced in §6.3 through the example of Cyprus. The cases of Cypriot Roma, Latins, Maronites and Armenians will be used, to demonstrate how misrecognition can lead to the oppression of specific minorities that are present in Cyprus. It will be suggested that a more engaging and inclusive process of recognition is needed, with members of minority cultures at its core. The aim of §6.3 is to point out that theories of MC should not rely on the dominant majority to classify the different cultural groups because of the risk of misrecognition that leads to oppression.

In §6.4 the incorporation of multicultural accommodation at the core documents of intergovernmental institutions will be discussed, in order to suggest a new process of recognition that works at the international rather than the domestic level; one that ensures that pre-requisites to communication, such as the accurate classification and recognition of cultural groups, exist prior to the communication of the claims of those groups at the domestic level. The aim of §6.4 is to allow for the application of MC in countries where minority cultures have been subject to chronic and institutional misrecognition.

In §6.5 Kymlicka's ethnocentrism will be addressed, which is considered to be the Achilles' heel of his theory (for the purposes of exporting it). The case of Cyprus provides plenty of examples that can test an ethnocentric theory. The argument in §6.5 is that, based on the examples available through the case of Cyprus, it is easy to postulate that one should not a priori assume that ethnic minorities should enjoy a superior status, for that would exclude minorities that lack a motherland, de-

spite them being identical with ethnic groups who enjoy additional benefits for no apparent reason other than having an ethnic attachment. The argument in favour of a civic rather than an ethnic conception of nationality that will be defended in §6.5, will be the prelude to chapter 7 where practical action-guidance will be provided on how multicultural policies can apply to Cyprus now and should also be factored in the constitution that is under negotiation for the comprehensive solution of the Cyprus problem.

6.1 Conceptualising Culture

This section will explore what the term “culture” entails. Four similar accounts of how culture should rightly be conceptualised will be provided; examples which criticise the mainstream perceptions of culture as they are depicted in liberal multicultural theories. Then these criticisms will be directly related to the work of Kymlicka, and specifically to his own understanding of culture, before proceeding to evaluate and empirically test his abstract understanding of the term using the *Reciprocal Model* presented in chapter 4.

6.1.1 Perceptions of Culture

Political philosophers have challenged essentialised and homogenising conceptions of culture. Kymlicka, as evident from his response to Susan Moller Okin, is deliberately trying to avoid one-size-fits-all definitions, whilst at the same time respecting the agency of individual cultural members. In this section, the views of four political philosophers who have engaged with Kymlicka’s work will be addressed. The material presented here should not be taken as direct criticism of Kymlicka who, contrary to the multicultural theorists presented in this section, has taken the next step in pro-

viding (and subsequently modifying) a typology of culture. Rather, they will be used as general guidelines that the theory defended in this chapter will follow, as should all theories of MC.

The first theorist is Seyla Benhabib who advances a Habermasian critique of the dominant theories of justice and the dominant theories of liberal multiculturalism. In doing so, she proposes a theory based on the “discourse theory of ethics; the dialogical and narrative constitution of the self; and the view of discourses as deliberative practices that centre not only on norms of action and interaction, but also on negotiating situationally shared understandings across multicultural divides.”¹ The recent debate on multiculturalism Benhabib argues is grounded upon “faulty epistemic premises” which lead to the “reductionist sociology of culture”; the assumption that cultures are coherent wholes whose members agree with the collective description ascribed to them and whose defining characteristics are original and unique.²

Benhabib dismisses the incommensurability claim that is often made in debates of multiculturalism. This is the claim that cultures are so different that they cannot be compared or even understood.³ Contrary to this claim, Benhabib employs Gadamer’s position that “all understanding is interpretation.”⁴ Her defence of cross-cultural understanding and interpretation is based on Tully’s analysis of Locke’s *Second Treatise*.⁵ She claims that we engage in such judgments, like Locke engaged

1. Seyla Benhabib, *The Claims Of Culture: Equality And Diversity In The Global Era* (Oxford: Princeton University Press, 2002), 16.

2. *ibid.*, 4.

3. For instance Michael Walzer, *Spheres Of Justice: A Defense Of Pluralism And Equality* (New York: Basic Books, 1984).

4. Benhabib, *The Claims Of Culture: Equality And Diversity In The Global Era*, 34.

5. The undemocratic nature of modern constitutionalism is evident in the history of liberal political thought, Tully argues. A representative example of the appropriation of the language of modern constitutionalism for the purposes of European and Western imperialism is found in Locke’s *Second Treatise of Government*, where he portrays aboriginal peoples as primitive associations living in the state of nature. In doing so, Locke legitimised the killing of indigenous people by placing them in the state of nature where the Hobbesian rule of war applies. Moreover, he legitimised the appropriation of their land, since according to the law of the state of nature, property rights apply only with

“in a complex cultural dialogue that positions and repositions the ‘we’ and the ‘others’ in complex, multiple, and unpredictable ways.”⁶ In order to reach any level of political legitimacy, a more inclusive understanding of the other is needed.

Benhabib criticised Kymlicka’s “holism about cultures” and Taylor’s⁷ definition of cultural group as “far too unitary” which “flatten out the contradictions and antagonisms that surround group experiences and interpretations of culture.”⁸ In response, she supported Nancy Fraser’s argument that redistribution and recognition are driven by two paradigms of justice: the redistribution paradigm that focuses on exploitation, economic marginalization and deprivation; and the recognition paradigm that focuses on patterns of representation and communication.⁹ This analytic division is crucial in Benhabib’s argument because it means that “we can and should do justice to certain claims for recognition without accepting that the only way to do so is by affirming a group’s right to define the content as well as the boundaries of its own identity.”¹⁰ Therefore, what she calls the “democratization of collective identities” is a call to abandon the social labelling of collectives and focus on self-definition of the individuals within them.

She gives the example of the debate around the wearing of the Islamic headscarf in France and argues that the symbolic action of wearing a scarf should not be interpreted as cultural oppression, despite it being defended in cultural and religious

labour, hence any uncultivated land could be claimed as their own since aboriginals were occupied with hunter gathering rather than agriculture (like the Europeans did) and therefore their ‘uncultivated’ land could be appropriated by the imperialists since by Locke’s definition it was ‘vacant.’ Kant has also followed the same pattern, issuing in the name of European commerce what he described as ‘the right to hospitality,’ which became the preface for attacking Aboriginal people who refused that ‘right.’ James Tully, *Strange Multiplicity: Constitutionalism In An Age Of Diversity* (Cambridge: Cambridge University Press, 1995), 96.

6. Benhabib, *The Claims Of Culture: Equality And Diversity In The Global Era*, 96.

7. Charles Taylor and Amy Gutmann, *Multiculturalism: Examining The Politics Of Recognition* (Princeton: Princeton University Press, 1994).

8. Benhabib, *The Claims Of Culture: Equality And Diversity In The Global Era*, 65.

9. Fraser 2001, pp. 5-6.

10. Benhabib, *The Claims Of Culture: Equality And Diversity In The Global Era*, 70.

terms.¹¹ There should be a discussion and an exchange of reasons with the women; an attempt to understand the reasons behind their wearing of the scarf. The lack of dialogue and the perception of culture as internally uncontested collectives caused many of the misunderstandings of feminism and multiculturalism. This is why we need the Habermasian discourse ethics that range beyond Rawls and Barry's versions of "minimal liberalism of an overlapping consensus," Benhabib argues.¹²

Although Benhabib is right that cultural members should be consulted about the affairs of their own culture and that cultures should not be conceived as uncontested wholes, Kymlicka is not guilty of that fallacy. By recognising the internal conflicts of cultures through the "internal restrictions" argument and through his elaborate discussion on what constitutes a substantial right of exit, Kymlicka provides the theoretical means to conceive cultures as politically active collectives encompassed by people of different world views. Nevertheless, the process of recognition that will be defended in §6.2 will provide extra means by which to make sure that the voice of individual cultural members is sufficiently amplified.

In her recent book on multiculturalism, Phillips addresses these worries and promotes a *Multiculturalism without Culture* since the classification of groups as cultural, along with the political claims that are advanced in their name, are such that reinforce and exaggerate their differences, making other cultures seem more "exotic and distinct than they already are."¹³ Many inequalities have group specificity

11. An extensive and interesting discussion of competing views on cultural oppression can be found in an edited book with responses to Okin's famous essay on multiculturalism (included in the book). See Susan Moller Okin et al., *Is Multiculturalism Bad for Women* (Princeton: Princeton University Press, 1999); Susan Moller Okin, "Gender Inequality And Cultural Differences," *Political Theory* 22, no. 1 (1994): 5–24; Susan Moller Okin, "Feminism And Multiculturalism: Some Tensions," *Ethics* 108, no. 4 (1998): 661–684; Susan Moller Okin, "Mistresses Of Their Own Destiny: Group Rights, Gender, And Realistic Rights Of Exit," *Ethics* 112, no. 2 (2002): 205–230.

12. Benhabib, *The Claims Of Culture: Equality And Diversity In The Global Era*, 112.

13. Anne Phillips, *Multiculturalism Without Culture* (Oxford: Princeton University Press, 2007), p.14.

and at the same time are connected with other group characteristics like race, gender and religion. Phillips promotes a multiculturalism where human agency is at its core and where individual rather than group rights are those that matter.¹⁴ She does not object to claims for ethnocultural accommodation and/or recognition, but she is explicitly against policies that empower some of the members of a group at the expense of others who end up being oppressed in the name of their culture.¹⁵ Phillips summarises her theory of multiculturalism as one that seeks “a multiculturalism that dispenses with reified notions of culture or homogenised conceptions of the cultural group yet retains enough robustness to address cultural inequality.”¹⁶ Her account of group difference is more profound when it comes to basic human attributes, like race and gender, but is more sceptical of other group divisions like culture, because the claims that are made in the name of these collectives are not always directed towards the resolution of structures of inequalities but sometimes act as their guarantor.

Kymlicka's theory is constructed on top of the early Rawlsian framework of justice and as such considerations of further inequalities are deemed to be beyond the scope of the theory – his theory solely addresses cultural inequalities. Nevertheless, Phillips is right that multicultural policies sometimes exacerbate other inequalities on the name of culture, despite their intended purpose of enhancing the autonomy capabilities of individual cultural members. To this end, the theory defended in this chapter incorporates Phillips' suggestion that culture should be treated similarly to other sources of injustice, and places cultural rights on the same level as gay and other rights.

Modood proposes a stronger, more holistic conception of culture that is based on difference, both internal and external. His conceptualisation of culture signifi-

14. Phillips, *Multiculturalism Without Culture*, p.165.

15. *ibid.*, p.169.

16. *ibid.*, p.179.

cantly differs from Phillips and Benhabib, but his worries are similar. Cultures should not be considered a coherent whole he argues, since a collective entity can exist, without essentialised notions of membership and definition.¹⁷ Cultures based on religions, should be seen as any other identity group, and indeed use similar rhetoric as gay, feminist or racial groups.¹⁸ Therefore, multicultural equality “when applied to religious groups means that secularism simpliciter appears to be an obstacle to integration and equality” and religions need to be recognised in the public sphere.¹⁹

Modood’s suggestion that Kymlicka is guilty of multinationalist bias against religious groups will be addressed and refuted in §6.5.6 but for now it suffices to accept his proposition that cultural identity should be treated as of similar importance to other individual identities.

Tully in his *Strange Multiplicity* questions some of the fundamental assumptions that liberal multiculturalists make. Whilst the multicultural theorists presented above debate cultural rights within a liberal framework of advanced western countries, Tully invites liberal scholars to consider the impact of applying liberal concepts and values on cultures that did not previously structure their lives around these values. In doing so, he is raising similar worries as Benhabib, Phillips and Modood, which centre on the avoidance of the essentialism of culture.

Western liberals need to question their understanding of popular sovereignty as opposite to cultural diversity, Tully argues. This assumption rests upon the perception that people are “taken to be a society of equal individuals in a state of nature, behind a veil of ignorance [...] with the aim of constituting one uniform political association.”²⁰ Another assumption that needs to be scrutinized is the modern percep-

17. Tariq Modood, *Multiculturalism: A Civic Idea* (Cambridge: Polity Press, 2007), 97.

18. *ibid.*, 70.

19. *ibid.*, 78.

20. Tully, *Strange Multiplicity: Constitutionalism In An Age Of Diversity*, 63-64.

tion of cultures as independent and homogeneous entities which are ranked hierarchically, starting from the earlier and primitive associations like those of Aboriginals and evolving to the socio-economically advanced “universal European” culture.²¹ A further assumption that needs deconstruction is the perception of cultures as centralised associations. This is a misrepresentation of many cultures, especially ancient ones of Aboriginal peoples whose organisation is based on “the plurality of ancient customs” rather than on a centralised, structured and consistent sense of cultural association.²² Finally, the most problematic principle that underpins modern constitutionalism regards its own self-understanding; modern constitutionalism rests upon the assumption that it is universal and pan-historical and hence a product of historical and universal agreement. This faulty premise makes modern constitutionalism “the precondition of democracy, rather than a part of democracy”.²³

The three assumptions against which Tully urges caution can be manifested in the case of Cyprus where cultural groups were misrecognised based on unfounded assumptions that led to the silencing of non-dominant minorities. To this end, an extended discussion will be provided in this chapter (§6.2-6.3) to justify a process of recognition that will enable minorities to challenge assumptions that silence them (where they exist), dispersing with fixed notions of citizenship and culture, as well as with perceptions of universal agreement on constitutional essentials.

6.1.2 Is Culture Important to Everyone?

The question of whether culture is a primary good is central to understanding how to conceptualise culture. If it’s a primary good, then it’s important to all; if not, then

21. Tully, *Strange Multiplicity: Constitutionalism In An Age Of Diversity*, 64.

22. *ibid.*, 67.

23. *ibid.*, 69.

it is worth considering what it is that makes cultural structures worth preserving, if at all.

It is necessary to question the importance of culture, in order to understand what is at stake when individuals are denied access to a cultural context. It will be necessary in order to understand the hardships that individuals endure when their cultures are misrecognised, as was the case under the 1960 constitution of the Republic of Cyprus with the non-dominant minorities on the island. Moreover, the conceptualisation of culture is necessary in order to understand how people can transcend their culture, deny their culture, or become multi-cultural members. Otherwise, the non-dominant majorities cannot be properly understood. There is a need to go beyond solidified and holistic definitions of culture in order to understand how individual minority members in Cyprus try to reconcile their cultural allegiances to both their cultural group and to the Greek Cypriots, whose language, education and customs they use.

Kymlicka explains how culture provides meaning to our lives, by enabling individuals to comprehend the options available to them.

The decision about how to lead out lives must ultimately be ours alone, but this decision is always a matter of selecting what we believe to be most valuable from a context of choice which provides us with different ways of lives. This is important because the range of options is determined by our cultural heritage. Different ways of life are not simply different patters of physical movements. The physical movements only have meaning to us because they are identified as having significance by our culture, because they fit into some pattern of activities which is culturally recognised as a way of leading one's life.²⁴

24. Will Kymlicka, *Liberalism, Community and Culture* (Oxford: Clarendon Press, 1989), 164-165.

Once Kymlicka explained that culture is necessary for making autonomous decisions, he proceeded to explain more clearly how culture provides a context-of-choice, without which individuals are unable to pursue our definition of the good life, for they lack the ability to acknowledge and pursue the opportunities available to them. As Kymlicka argued:

It is of sovereign importance to this argument that cultural structure is being recognised as a context of choice. [...] Cultural membership is important in pursuing our essential interest in leading a good life, and so consideration of that membership is an important part of having equal consideration for the interests of each member of the community.²⁵

Kymlicka, in his attempt to incorporate cultural membership into the list of Rawlsian primary goods, traces the importance of culture as an underlying assumption of both Rawls and Dworkin. He argues that Rawls and Dworkin “both implicitly recognise the primary good of cultural membership” and that “the only reason that they don’t explicitly give it a status as a ground for legitimate claims is that they falsely assume there is only one such cultural structure in each political community,” meaning that they employ a simplistic notion of the nation-state, where state membership and cultural belonging are treated as interchangeable terms. “If we drop that assumption”, Kymlicka argues, “then the primary good of cultural membership has to be explicitly recognised as a possible source of unjust inequalities.”²⁶

Kymlicka is right that the association of a nation-state with a specific nation-culture is mistaken, because nation-states today are multicultural and not monocultural. The traditional conception of the nation-state as it originated in the 17th

25. Kymlicka, *Liberalism, Community and Culture*, 166.

26. *ibid.*, 178.

century has now evolved into a multi-national state.²⁷ Kymlicka also claims that historically, culturally homogeneous entities were the exception rather than the norm. The majority of states throughout history, he argues, have been multi-ethnic states and it is a mistake to uncritically assume that the nation-state is a single-culture entity.

Given the many controversies and conflicts which arise in multi-ethnic and multinational states, some people have expressed a nostalgia for the sort of culturally homogeneous political units which supposedly existed in earlier times, before the rise of multination empires and of transnational migration. In reality, culturally homogeneous polities have always been the exception rather than the rule, a testament to the ubiquity of both military conquest and long-distance trade in human history.²⁸

The example of Cyprus is indicative of this claim. As it was argued in §5.4 Cyprus was always multicultural, although there was always a strong majority of Christian Orthodox people. To argue that Cyprus was monocultural because the majority was always CO, would be wrong, and would misrecognise the other cultural groups that have inhabited the island throughout history. Kymlicka is therefore right in establishing this fact; what is objectionable is that he did not problematise and engage with the shift that emerged in the period after the industrialization of Western countries.

In Kymlicka's latest work on multiculturalism, titled *Multicultural Odysseys*,

27. "A 'nation' in this sociological sense is closely related to the idea of a 'people' or a 'culture' – indeed, these concepts are often defined in terms of each other. A country which contains more than one nation is, therefore, not a nation-state but a multination state, and the smaller cultures form 'national minorities'. The incorporation of different nations into a single state may be involuntary, as occurs when one cultural community is invaded and conquered by another, or is ceded from one imperial power to another, or when its homeland is overrun by colonising settlers. But the formation of a multination state may also arise voluntarily, when different cultures agree to form a federation for their mutual benefit". Will Kymlicka, *Multicultural Citizenship: A Liberal Theory Of Minority Rights* (Oxford: Clarendon Press, 1995), p.11

28. Will Kymlicka, *The Rights Of Minority Cultures* (Oxford: Oxford University Press, 1995), 20.

presented in §1.3, he defends the view that cultural rights should be integrated into international institutions that can, in principle, globalise the values of liberal pluralism and respect for diversity.²⁹ At first sight nothing controversial seems to arise out of this, if one subscribes to Kymlicka's outlook that the values of liberal pluralism are worth spreading. In his earlier work, Kymlicka has provided a principled justification for group-differentiated rights, that he now – in *Multicultural Odysseys* – wants to export and make global by incorporating them into the charters and the foundational documents of international institutions, in order to enable people to make autonomous choices through the protection of their cultural context.

The proposition that *some* people derive value from their cultural contexts is very different from the proposition that *all* people derive value from said contexts. If all people do, then the protection of these contexts is of paramount importance, since cultural belonging, properly understood in Kymlicka's formulation, is a primary good that needs to be upheld. In defending this latter view and in proposing to promote these primary goods through intergovernmental institutions, Kymlicka is asserting the role of the state. He is placing the individual within a specific multi-nation state, and only through that can the individual lay eyes to the rest of the world. Nevertheless, this view does not represent the current state of affairs, since it ignores the rise of global civil society facilitated through the internet and the social media.

The most important issue is whether Kymlicka is still right in claiming that cultural context is necessary for individuals to realise the options available to them. The answer depends on how cultural context is defined. If Kymlicka's definition is followed, then in the absence of a culture as a context-of-choice, people are not able to realise options that are available to them. On the other hand, if one accepts that

29. Will Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity* (Oxford: Oxford University Press, 2007).

now there is a global culture, on top of people's particular cultures, then cultural context becomes something much more complex, which can indeed enable individuals to experience options that they could not otherwise have realised, and which do not depend on their cultural context.

The case of Malala Yousafzai is but one example of how individuals within their cultures can experience additional options *despite* their culture – in the case of Malala, the right to education for women.³⁰ It is not only the values of other cultures that individuals employ to realise additional options; they also use their mechanisms, especially those that facilitate social interaction. The classic example is what is now described as the Arab Spring, where the protesters used social media to mobilise and to publicise their grievances and activism beyond their borders, using social networks and particularly Twitter.³¹ Similar employment of western technologies can be seen in less publicised instances. The Arab Women's Solidarity Association United (AWSA United) is one such example, where "cyberfeminism" enabled Arab Women to interact with each other, bridging the gap between those living in the motherland and those living in the diaspora; thus transcending and expanding cultural boundaries.³²

These examples do not dispute Kymlicka's view that cultures are contexts of choice. What they do is add another layer on top of it, challenging reified notions of culture, and providing a more pluralistic view on how cultural members interact with

30. As The Guardian writes, Malala "was pro-west, she was speaking against Taliban and she was calling President Obama her ideal leader [...]. She was young but she was promoting western culture in Pashtun areas, referring to the main ethnic group in north-western Pakistan and Afghanistan from which the Taliban finds most of its followers." Jon Broome, *Malala Yousafzai: Pakistan Taliban Causes Revulsion by Shooting Girl Who Spoke Out*, <http://www.theguardian.com/world/2012/oct/09/taliban-pakistan-shoot-girl-malala-yousafzai>, 10 October 2012.

31. David Wolman, *Facebook, Twitter Help The Arab Spring Blossom*, <http://www.wired.com/2013/04/arab-spring/>, 16 April 2013.

32. Rita Stephan, "The Case of Arab Women's Solitarity Association United," *Journal of Middle East Women's Studies* 9, no. 1 (2013): 81–109.

each other. The boundaries are less rigid and individuals experience options over and above those that their cultures enable them to experience. If this is the case, if individuals experience options beyond their cultures and if cultures sometimes act as constraints to the realisation of additional options, can one still maintain that access to a cultural structure is a primary good? And even more pressingly, are cultures inherently important?

Kymlicka accepts that individual cultural members can be minorities within minorities, where individuals, and in particular women and children, are victims of cultural oppression – what he describes as “internal restrictions.”³³ These oppressive practices are not “the ‘logical’ extension of current ‘multiculturalism’ policies in the major immigrant countries. [...] There is no suggestion that ethnic groups should have any ability to regulate individuals’ freedom to accept or reject that identity.”³⁴ The fact that Kymlicka provided the argument against internal restrictions shows that he is willing to look into the real world and try and provide solutions to current problems, rather than painting the picture of a perfect society.

Kymlicka’s willingness to take non-ideal societies into consideration is at odds with his own classification of culture. His description of society as a set structure that provides context for *all* of its members, contradicts how cultures work in the real world. If one accepts that cultures are not as Kymlicka describes them – conditional upon the reader’s agreement that cultures do not provide context-of-choice for *all* but only for *some* of their members – then it is important to consider the ways and the reasons behind Kymlicka’s abstraction, an endeavour that will be attempted in

33. Internal restrictions involve intra-group relations – the ethnic or national group may seek the use of state power to restrict the liberty of its own members in the name of group solidarity. This raises the danger of individual oppression. Critics of ‘collective rights’ in this sense often invoke the image of theocratic and patriarchal cultures where women are oppressed and religious orthodoxy legally enforced as an example of what can happen when the alleged rights of the collectivity are given precedence over the rights of the individual. See Kymlicka, *Multicultural Citizenship*, 35.

34. *ibid.*, 41.

§6.1.3.

Before that, the rejection of the main premise of Kymlicka will be explored, to consider what it means to reject that culture provides a context-of-choice *for all*. If cultural identity is understood as part of individuals' other identities, then it cannot be a *primary good*. If the individual is a bearer of multiple identities, then culture can be important to some and less important to others. Thus, it is not a context-of-choice for *all*; it is important only for those that classify it high in their individual negotiation of identities. Personal identities are not a matter of hierarchy, since some are derived from others or depend on others; identities sometimes crisscross or contradict each other. Individuals constantly adopt new identities, either voluntarily or as a matter of circumstance, and are in a constant process of evaluation and reconciliation of competing identities. In the end, and only until the consideration of a new potential identity, they are in peace, having balanced identities that might seem contradictory to others.³⁵

If one adopts the identity-based perception of culture, then Kymlicka's justification of group-differentiated rights is not as strong. If culture is not a context-of-choice for all but rather one of people's many identities, then one must consider what it is that makes culture special. Kymlicka's argument, which has been weakened, is that it is conducive to making autonomous choices. What maintains autonomy's relevance in the defence of group rights is Kymlicka's definition of culture, which has a very strong attachment to language. Kymlicka explains that "individual choice is dependent on the presence of a societal culture, *defined by language and history*, and that most people have a very strong bond to their own culture."³⁶ Similarly, he argues

35. Individuals complete a process of evaluation: initially they assess whether to endorse an identity, then they consider whether it contradicts their other values and identities, then they re-interpret them to accommodate or dismiss currently held views in order to make room for a new identity and finally, they achieve peace, until the process starts all over again.

36. Kymlicka, *Multicultural Citizenship*, 8, emphasis mine.

that “‘nation’ means a historical community, more or less institutionally complete, occupying a given territory or homeland, sharing a *distinct language and culture*.”³⁷ Whereas individuals can reject values upheld by their culture, they cannot disassociate themselves from the linguistic context that their culture provides, without first acknowledging that context as one that provides them access to alternative options.³⁸ Autonomy is a value worth pursuing and one that can be employed in our defence of group-rights to minority groups.

If, following the argument presented so far, culture is not something that people follow, then one cannot meaningfully say that it is a context-of-choice. Yet, individuals do derive autonomous agency from it, because it provides them with some of the means that they need in order to comprehend and make sense of the options available to them, the most important of which is language. Culture has some interpretive function – it enables individuals to comprehend their options– but it is not as structured and as all-encompassing as Kymlicka describes. This makes the context-of-choice argument weaker, without necessarily obliterating it. Autonomy is still a valuable principle that can be used in defence of cultural rights.

The main problem lies in the fact that cultural groups and individuals within their cultures do not socialise in the way that Kymlicka describes in his conceptualisation of culture. By implication then, the autonomy argument does not extend to all the constitutive identities that make the umbrella term that is “culture.” Cultural rights should be defended not because cultures are contexts-of-choice but because dominant cultures are promoted by the state, leading to the inevitable extinction

37. Kymlicka, *Multicultural Citizenship*, 11, emphasis mine.

38. *ibid.*, 45-46. The use of language as a foundational aspect of national minorities is pervasive throughout his theory, from beginning to end. For instance, in p. 75 he affirms this attachment again, saying that “If people’s bonds to their own language and culture are sufficiently deep, then attempting to suppress the cultural identity and self-government claims of national minorities may simply aggravate the level of alienation and division.”

(through assimilation) of the rest. The argument for minority rights is more persuasive if it is one of equality of opportunity (evaluated through equality of outcomes) rather than one of autonomy. This is the view that will be explored in the next section §6.1.3-4.

6.1.3 Abstracting Culture

In small countries like Cyprus, the boundaries between cultures are not rigid. Empirical examples are full of contradictions, where individuals endorse cultural identities of different, even competing cultures. In §6.3.2. the example of a Cypriot Maronite supporting a Greek Cypriot nationalist football team was one such contradiction. Nevertheless, the conception of culture seen thus far is one that does not explain or provide room for these contradictions, essentially misrepresenting the social and cultural dynamics of contexts like that of Cyprus. In this section the process that leads to the distortive abstraction of culture will be explained, in order to proceed in subsequent sections to examine how it can be amended to account for examples like that of the Maronite referred to above. To this end, Kymlicka's abstraction of culture will be challenged, and an alternative abstraction, that of Chandran Kukathas, will be adopted as one that is more capable of capturing the diversity of cultural experiences, both of which will be subsequently subjected to the evaluation of the *Reciprocal Model* defended in chapter 4.

Kymlicka abstracts the concept of culture and gives it a more solidified definition: a robust context-of-choice within which individuals see the world that lies outside.³⁹ Any theory of MC needs a working definition of "culture," which is an

39. This abstraction is made in order for him to defend his ideal principle of autonomy: given that culture is a context that provides the means by which to understand and evaluate alternative options, it is necessary for individuals to be able to exercise their autonomy and the only way to achieve this is by having access to a cultural context, which now becomes a necessary condition for living a good

endeavour that inevitably requires a certain level of abstraction. Abstraction is necessary for providing a definition that will cover the main attributes of cultural associations without homogenising them. Only once the main attributes of culture are attributed can the rights that cultural groups should be entitled to be considered. A theory needs to outline how cultures are organised, what is the role of the individual within their cultural group and how can one negotiate access or dissent to and from their culture. Kymlicka's abstraction of culture distorts real cultures in a way that deprives them of their nature and character. It is only through an abstraction that the multiplicity of cultural experiences and belongings can be factored into a theory.

The oversimplified conception of culture defended by Kymlicka is driven by the same mistake as John Searle's famous thought experiment, the Chinese Room Argument. Searle wanted to prove that there can never be advanced Artificial Intelligence where computers will be able to learn and acquire new skills. He provided the Chinese Room thought experiment in 1980 with him as the protagonist, to illustrate that using rules to translate Chinese does not constitute learning the language – the premise being that if rule-following is how computers learn a language, then this is not learning but only rule-following.⁴⁰ Computers accept information, apply certain rules to it and then give an output based on those rules. Therefore, there can never be computers that are able to learn, even if those computers pass the famous Turing test. Based on the Chinese Room Argument, Searle maintained that Artificial

life.

40. John Searle, "The Chinese Room," in *The MIT Encyclopedia of the Cognitive Sciences*, ed. Robert A. Wilson and Frank C. Keil (Cambridge, MA: MIT Press, 1999) summarised the Chinese room as follows "Imagine a native English speaker who knows no Chinese locked in a room full of boxes of Chinese symbols (a data base) together with a book of instructions for manipulating the symbols (the program). Imagine that people outside the room send in other Chinese symbols which, unknown to the person in the room, are questions in Chinese (the input). And imagine that by following the instructions in the program the man in the room is able to pass out Chinese symbols which are correct answers to the questions (the output). The program enables the person in the room to pass the Turing Test for understanding Chinese but he does not understand a word of Chinese."

Intelligence where computers acquire the ability to learn things could never exist.

Daniel Dennett argued that this is a failed *intuition pump*.⁴¹ Intuition pumps are thought experiments “cunningly designed to focus the reader’s attention on ‘the important’ features, and to deflect the reader from bogging down in hard-to-follow details.”⁴² The problem arises when these abstractions are sufficiently simplistic as to distort the way computers work, yielding results that are intuitively appealing but wrong. In the case of the Chinese Room Argument, Dennett explains, it is the software that actually does the processing and not the hardware; the lion’s share of the work, and what constitutes artificial intelligence, is not the input a machine receives and the output it produces, but rather the complex way it is designed. The input-output depiction of the process, with the philosopher locked in the room translating letter by letter (as per the thought experiment), is not a representative portrayal of how AI works, and by extension, the result of the thought experiment, which is based on the abstraction of AI as an input-output process, is mistaken. To reduce the whole concept of Artificial Intelligence to input and output through Searle’s thought experiment is wrong because it misrepresents the way AI works.

Kymlicka is guilty of the same fallacy that Dennett accused Searle of having committed. He has simplified a complex process, misrepresenting the way cultures work. The complex process of cultural belonging, individuals’ interaction with fellow cultural members and with members of other cultures, the hierarchy within cultures and the costs associated with dissent, are all issues that Kymlicka acknowledges at various points in his theory, but which are not afforded the necessary attention at the foundational level of his theory.

The challenge is to find an abstracted account of culture that successfully

41. Daniel C. Dennett, *Consciousness Explained* (Boston: Little, Brown / Company, 1991).

42. Daniel C. Dennett, *Elbow Room: The Varieties of Free Will Worth Wanting* (Cambridge, MA: MIT Press, 1984), 12.

grasps the complexity of cultural belonging. The work of Chandran Kukathas can be useful.⁴³ Kukathas developed a theory about an abstract, free society. His objective was to reject the premise of Kymlicka's theory that minority cultures should be given assistance by the state. Although Kukathas's conclusions cannot easily pass the non-ideal test of *levels 2* and *3*, his conceptual understanding of culture can be particularly useful.

Kukathas's abstracted society is advanced through the metaphor of the "liberal archipelago." The archipelago consists of different islands:

different communities or, better still, jurisdictions, operating in a sea of mutual toleration. Political society – and in particular, the good political society – is best understood not as a single body, or an ideal realm of the just, or a ship piloted by a skillful seaman, or even as a single island rightly ordered. It should be understood, instead, as something altogether less clearly bounded, marked by movement within those bounds, and movement across fuzzy boundaries.⁴⁴

What Kukathas describes as free society resembles the international order, where different countries are free to act as they will, provided that they allow their members to leave the country.

International society is an archipelago – a sea with numerous islands.

Each island is a separate domain, cut-off from others by waters which are indifferent to its circumstances or to its fate. [...] In almost all cases

43. Chandran Kukathas, "Are There Any Cultural Rights?," *Political Theory* 20, no. 1 (1992): 105–139; Chandran Kukathas, "Cultural Rights Again: A Rejoinder To Kymlicka," *Political Theory* 20, no. 4 (1992): 674–680; Chandran Kukathas, *The Liberal Archipelago: A Theory Of Diversity And Freedom* (Oxford: Oxford University Press, 2003); Chandran Kukathas, "The Life Of Brian, Or Now For Something Completely Difference-Blind," in *Multiculturalism Reconsidered: Culture And Equality And Its Critics*, ed. Paul Kelly (Cambridge: Polity, 2002), 184–203.

44. Kukathas, *The Liberal Archipelago: A Theory Of Diversity And Freedom*, 22, footnote omitted.

they live under the rule of an authority, though the character, style, and concerns of that authority vary from one island to the next. Some of these islands are lush and verdant, while others are barely habitable and in danger of submersion by rising seas; some are remote and all but inaccessible across treacherous waters, while others are almost physically connected by the archipelagic aprons which surround them. The people who populate these islands differ in aspiration and in temperament. [...] Each is at liberty to leave, and the sea is thus dotted with vessels, some moving along established routes, others wandering into uncharted areas, none evincing purposes which are readily apparent (and some without any purpose at all). While conventions have emerged governing conduct on the seas, and some powers have been established to deal with problems of piracy, the archipelago is unmanaged.”⁴⁵

The archipelago is a metaphor that captures the way individuals relate to their cultures and each other, and at the same time it explains the code of conduct between different groups. Kukathas’s abstraction of the liberal archipelago can be useful, without necessarily accepting his assumptions about the role of the state within this archipelago. The usefulness of Kukathas’s theory lies in his metaphor that captures the way individuals engage with their cultures and how the different cultures relate to each other.

The ability of individuals to leave their cultures – their islands, according to the metaphor – is the most important (and the only) condition that Kukathas sets. He argues that freedom of association is the fundamental principle that should guide a free society. Two further principles are implied by freedom of association – firstly, the ability to disassociate from a group freely (Kukathas calls it “the principle of dis-

45. Kukathas, *The Liberal Archipelago: A Theory Of Diversity And Freedom*, pp.28-29.

association”), and secondly, the mutual respect of all associations (“the principle of mutual toleration”). The liberal state is a political society, which is nothing more than another association. As such, the only authority that the state has is related to the freedom of individuals, which means that its role is to safeguard the aforementioned freedom of association and its two constitutive principles. These principles are all grouped under the overarching principle of toleration, which defines freedom and explicitly rejects autonomy.⁴⁶

Kukathas account of cultural dynamics is particularly attractive since it portrays individuals as cultural travellers and cultures as entities floating in a liberal archipelago. Sometimes cultures are isolated, making it hard for their members to leave and for external influence to reach them, and in other instances they float next to one another and individuals can jump back and forth between cultures, enabling them to use the resources of more than one cultural group. Kukathas’ abstraction of cultures captures the varying agency and the different options that individuals have within their cultures, in a way that Kymlicka’s theory does not, despite the latter acknowledging the different statuses of individuals within their cultures. Kukathas’ portrayal of individuals within different cultural associations is particularly interesting. In some cultures individuals are more isolated; the cost of exiting their culture can be so high that they don’t perceive it as a viable option. In other cases individuals can leave more easily and they choose not to, thus exercising their agency. In further cases individuals move to another culture altogether and never look back, or they travel back and forth from the one to the other.

According to Kukathas’ view, the only requirement and the only function of

46. His ideal of freedom then is such that: “recognises the importance of the fact that people think differently, see the world differently, and are inclined to live – or even think they must live – differently from the way others believe they should. It upholds toleration because it respects liberty of conscience. It upholds toleration by protecting freedom of association so people can live as they think they should – as conscience dictates.” Kukathas, *The Liberal Archipelago: A Theory Of Diversity And Freedom*, 39

the liberal state in regard to cultural groups is for the latter to ensure that individuals have a right of exit from their cultures at whatever cost. Kymlicka has replied to Kukathas and argued that the right of exit that the latter sets as a precondition for a liberal polity is not *substantial* and does not allow for a realistic chance of exit from a potentially oppressive culture. Kukathas' response was that the state should not get into the business of compensating individuals for the costs of their choices, for every choice comes at a cost and it would be impossible and unfair for the state to compensate some and not others.⁴⁷

Kukathas' theory cannot move beyond *level 1* of the *Reciprocal Model* as it is described in §4.5. Kukathas, like Kymlicka has also created an "intuition pump": a thought experiment that is intuitively appealing, which nonetheless misrepresents the realities of a situation. More specifically, Kukathas ignores the culturally biased role that all states, liberal or not, adopt, and has constructed an idealisation that depends upon a minimal and culturally-neutral state.⁴⁸ States are naturally incapable of being neutral, since they have official languages and official education curricula that guide the teaching of their national history, and they are incapable of being minimal, since the free market requires substantial state intervention.⁴⁹ Given these social realities, it is impossible to move Kukathas' theory beyond *level 1*. The next level, as described in §4.5.2, addresses issues of sociability and context. Given that the empirical evidence cannot support Kukathas' assumption/pre-requisite that the state ought to be minimal and culturally-neutral, then there is no way of extracting

47. Kukathas, "Are There Any Cultural Rights?"; Will Kymlicka, "The Rights of Minority Cultures: Reply to Kukathas," *Political Theory* 20, no. 1 (1992): 140–146; Kukathas, "Cultural Rights Again: A Rejoinder To Kymlicka."

48. See §4.1.1 for a distinction between idealisation and abstraction.

49. For an interesting discussion on the role of the state in modern capitalist economies, see Ellen Meiksins Wood, *Empire Of Capital* (London: Verso, 2005). Wood argues that the contemporary free economy requires substantial involvement of the state, going well beyond its regulatory role that Kukathas would like.

practical action-guidance from it, since its foundational assumption that guides his principled response is not attainable at the level of real societies. Even the assumption the state is indeed able to instigate policies that are culturally neutral is accepted, there is no way of controlling for the implicit cultural biases of those in the lead of its structures.

The example of the justice system is representative of an institution that is presumed to be neutral, which nonetheless is not. The justice system in Cyprus is skewed in favour of the dominant majority culture. Out of the thirteen judges of the supreme court, none of them is a member of a minority and only three are women, which is indicative of the lack of diversity embedded in the highest legal institution of a state-member of the European Union. Likewise, the November 2013 statistics report of the Ministry of Justice of the UK provides two interesting insights: (a) that black and Asian offenders are twenty percent more likely to be sent to prison and (b) that the sentence of white criminals is on average seven months shorter than their black equivalents.⁵⁰ On the other hand, in cases where “culture” is used as a defence in courts, when the issue of the cultural defence does not resonate with the value system of the majority culture, then cultural defence works to the detriment of the defendant.⁵¹ The bias of the justice system, which is supposed to be the pinnacle of neutrality, demonstrates that the ideal of absolute neutrality is unattainable.

The examples of the bias of the liberal state is not only constrained to the justice system.⁵² Iris Marion Young has demonstrated how structures that are perceived as neutral treat unjustly members of minorities and other excluded groups.

50. Ministry of Justice, *Statistics on Race and the Criminal Justice System*, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/269399/Race-and-cjs-2012.pdf, November 2013.

51. Anne Phillips, “When Culture Means Gender: Issues Of Cultural Defence In The English Courts,” *Modern Law Review* 66, no. 4 (2003): 510–531.

52. See for instance Haroon Siddique, *Role-Play Exam For Gp Trainees Fails Equality And Race Bias Test*, *Court Told*, Newspaper Article, 8 April 2014.

Therefore, if Kukathas wants his theory to proceed to *level 2*, he has to amend his assumption of the role of the state.⁵³

The next step is to consider how Kymlicka's theory features on the *Reciprocal Model*. At the first level of the *Reciprocal Model*, the conception of human nature that the author of a theory endorses is the primary concern, to find out what cross-cultural characteristics he or she ascribes to individuals. In Kymlicka's case, individuals are defined through a post-communitarian lens,⁵⁴ where individuals are cultural members that gain perspective in their lives through socialisation and cultural belonging. The context-of-choice argument is based upon the conception of individuals as embodied parts of a collective structure that provides means to comprehend options and potentially to alter or overcome the structure itself. This thesis challenges Kymlicka's conception of human nature and sociability as well as his abstraction of culture. Chandran Kukathas has provided a more attractive account of how individuals relate to their cultures and how cultures relate to each other; one that doesn't rely upon reified notions of belonging.

At the second level of the *Reciprocal Model* empirical input is factored in, which pertains to the context that the theory will apply to. In *level 2* the principles that were presented in *level 1* are filtered through empirical input – issues of sociability – to evaluate the ideal principles presented at the first level of a theory, along with the author's conception of human nature.

In *level 1* Kymlicka presents his fundamental account of human nature, where he describes individuals as members of a cultural structure that enables them to

53. Iris Marion Young, *Justice And The Politics Of Difference* (Princeton: Princeton University Press, 1990); Iris Marion Young, *Inclusion And Democracy* (Oxford: Oxford University Press, 2000); Iris Marion Young, "Equality of whom? Social groups and judgments of injustice," *Journal of Political Philosophy* 9, no. 1 (2001): 1–18; Iris Marion Young, *Responsibility For Justice* (Oxford: Oxford University Press, 2011).

54. Will Kymlicka, "Liberalism And Communitarianism," *Canadian Journal of Philosophy* 18, no. 2 (1988): 181–203.

make autonomous choices. Autonomy is treated as the central principle of his theory. Then, he proceeds in the next levels to discuss how his principle (of autonomy) can be applied and upheld in real societies. He uses the abstract principle of autonomy, and the idealised conception of human nature and cultural sociability presented through the context-of choice argument, to provide practical action-guidance on how real societies ought to deal with the challenges of multiculturalism (e.g. what self-governmental and linguistic rights should Québécoise be entitled by the Canadian federal state, or what legal exemptions should Sikhs receive in the UK, or what land rights should Aboriginal people enjoy and so on – real examples from real societies). In all these cases the principle is used to address the dilemmas and the challenges of multiculturalism, with the rationale being that: (a) if a state is liberal, (b) then it has certain duties towards its citizens, (c) the most important of which is their ability to live a free life – meaning a life that they choose as one that is “good” for them – and in order to do so they (d) need access to a cultural structure because it is only through our cultures that we can appreciate the options available to us.

When the assumptions of *level 1* are run through the empirical input of *level 2* then certain problems arise. The first has been addressed in this section and has to do with Kymlicka’s abstraction of culture, and his conception of human nature and socialisation. He describes cultures as solidified entities, inside of which individuals are locked. One cannot easily escape Kymlicka’s conception of culture, and cultural identity becomes a mega-identity that takes precedence over the other individual identities that people have, irrespective of whether the identity-bearers believe so or not.

The second problem is that his taxonomy of cultural belonging does not capture the complex cultural experiences of non-Western countries – i.e. examples beyond UK, USA, Germany, France, Australia and Canada – and in particular coun-

tries that have security concerns attached to their cultural identities that prohibit the politicisation of their cultural claims and demands. This second challenge, the problematic typology of cultural belonging, will be the subject of §6.3 where I will use examples from Cyprus to illustrate the problem.

6.1.4 Individual and Equality-based Conceptions of Autonomy

It has been established that even if Kymlicka's conception of culture is holistic and even if his assertions that individuals become autonomous through their cultures is not true to the extent that he maintained, nevertheless, given that language provides the basis for comprehending individuals' options (or for learning new languages) and given that language and culture are intertwined, then there are grounds to maintain a restricted version of Kymlicka's assertion that culture provides a context-of-choice conducive to living an autonomous life. The disagreements regarding Kymlicka's treatment of culture as constitutive of autonomy are disagreements of quantity not of kind. Challenging his absolutist approach to cultural belonging is not a rejection of autonomy-based arguments altogether.

There is another way to frame Kymlicka's defence of group differentiated rights that does not require the acceptance that cultural belonging provides a context-of-choice to all individuals. Autonomy-based arguments can be equality-driven arguments. Kymlicka's starting point is that (a) autonomy is central to liberalism, (b) it is only through cultural structures that one becomes autonomous and that (c) if the state is liberal then it has to guarantee the liberal right of autonomy of all its citizens, through assistance in the maintenance of their cultures. Point (c) involves two different defences.

First, it makes a universalist argument that the state needs to guarantee the

autonomy of all its citizens. The universalist argument explores the relationship between individuals and the state. It is an individualistically-driven argument of the sort that libertarians like Kukathas would find appealing since it stands by itself without any social or group-based justifications attached to it. The only two entities present are the individual and the state. Thus, the first justification of autonomy is individualistic and pertains to the relationship of the state and the individual.

The second defence of autonomy is relational, not individualistic. Members of minorities deserve the same treatment as members of the majority and as such, given the ethnocultural bias of the liberal state, the only way for members of minority cultures to enjoy equal treatment by the liberal state is to be afforded rights specific to their culture. Contrary to the first justification, the second does not require the acceptance of the assumption that culture is a context-of-choice. Only the redacted version of it needs to be accepted – that culture provides *some* options to *some* of its members. If the members of the majority culture enjoy access to their cultural structure – even if that culture has limited capacities – then the members of minorities have a right to equal access to a structural context.

This second justification works at a group level. The inter-group analysis enables for internal disparities between groups. Whereas the first justification depends upon Kymlicka's abstraction of culture and its function within people's lives, the second does not; it is only conditional upon a relational evaluation of minorities vis-à-vis majority cultures. The only concession that needs to be made is that some cultures provide autonomy-enhancing abilities to some of their members. In this second formulation of the defence of group-differentiated rights, an equality-based argument for partial autonomy is made – one that dispenses with Kymlicka's abstraction of culture and one that is more sympathetic to Kukathas' abstraction as was described above.

In this section the shortcomings of Kymlicka's abstractions have been demonstrated: his holistic conception of culture and his homogeneising defence of group-rights on the grounds that culture enables autonomy by being a context-of-choice. Examples of theorists that warn against essentialist notions of culture have been presented, which argue for a more diverse account of cultural belonging. Even though Kukathas' theory (one that has been advanced in response to Kymlicka) cannot provide immediate action-guidance for it misrepresents the role of the state within societies, his account of cultural belonging is more appropriate since it reflects the way individuals relate to their cultures and how their cultures interact with each other. Once this more useful abstraction was endorsed, the validity of Kymlicka's autonomy-based defence of group rights was questioned. The defence of autonomy was divided into two different kinds: the individually-based argument and the equality-based argument. It was maintained that the latter is more attractive for it can still be valid after the revision of Kymlicka's ideal assumptions. This is so, because it relies on group-comparison and only requires the concession that cultural contexts provide a(n) (minimal) ability to (some) of their members to comprehend and pursue the choices that are available to them.

Therefore in having defended the view that culture might not be a context-of-choice for many people and that a more minimal equality-based conception of autonomy is more appealing, the next question is how to evaluate the ability of members of minority cultures to pursue their choices through access to their context of choice, and how to compare them with the majority culture. The question of how to best measure equality of opportunities has already dominated a large section of political theory and economics.⁵⁵ The best way to evaluate whether different groups

55. For a literature review read the excellent chapter written by John E. Roemer and Alain Trannoy, "Equality of Opportunity," in *Handbook of Income Distribution*, ed. Anthony B. Atkinson and François Bourguignon (Elsevier, Forthcoming).

of individuals have equal opportunities is to compare their position at the end of the process: meaning to compare the outcomes of each group. If, for instance, one can observe that children from ethnic minorities under-perform in school in comparison to members of the dominant majority culture, then there is strong grounds to infer that there is a structural injustice that hinders the under-performing group from enjoying equal outcomes as the other group. In addition, if one observes that poor white children perform worse than their contemporaries from more affluent backgrounds, then it can be argued, judging from the comparison of the groups' outcomes, that the former did not have access to the same set of opportunities as the latter. The appeal of this process is that individual variations within groups can be controlled. Given large enough samples or populations (depends on the access to data we have) the researcher can discount for individual variations like the laziness of individual students.

Sufficient discussion has been made to establish the problems with Kymlicka's abstraction of culture and his defence of group-rights on grounds of autonomy. The alternatives presented have been: (a) that a non-essentialist abstraction of culture like the one of Kukathas is needed and (b) that an equality-driven conception of autonomy that does not rely on reified notions of cultural belonging needs to be adapted. The next section will discuss how Kymlicka's typology of culture is also problematic.

6.2 Cultural Classification, Recognition, Oppression

One of the central challenges of Kymlicka's theory is that it relies upon the tripartite distinction of culture into national minorities, immigrant groups and aboriginal peoples. These distinctions although representative of the Western traditional exam-

ples, do not capture the amalgam of cultural associations in countries like Cyprus. They cannot explain the difference between a dominant and a non-dominant minority, neither can they explain how a national culture can be downgraded into religious association, denying it the rights that should be afforded to it. In order to understand how a theory of MC can be exported beyond the dedicated examples, a process of recognition needs to be established, whereby the typology of culture is not considered fixed and where the members of minorities are involved in the cultural classification of their group. The argument defended in this section will be that a theory of recognition needs to be at the core of every theory of MC, in order to avoid the cases of misrecognition, like those institutionalised in Cyprus with the 1960 constitution.

In order to establish the necessity of a process of recognition, it is necessary to explore how Kymlicka classifies cultural groups. The *Reciprocal Model* provides the means by which to make sense of Kymlicka's typology of culture.

In the second level of the *Model* aspects of sociability relevant to the context that the theory addresses are factored into the design of the theory itself. Kymlicka first presents the ideal principle that lies at the core of his theory and he then examines the empirical evidence in order to identify what types of cultural groups exist and what sort of demands they are making. Kymlicka argues that there are three different types of cultures: national minorities, aboriginal peoples and immigrant groups. These groups make demands to the liberal state on the grounds of liberal pluralism, yet their demands are not the same.

National minorities ask for self-governmental rights. The nature of these rights is such that distinguishes the members of national cultures from the rest. The extreme end of the spectrum of self-governmental claims is secession. In between various different claims can be found. At the level of constitutional essentials, groups are making the case for having special representation in national parliaments, asking

for quotas that will ensure their fair representation, or for veto on topics that are relevant to their cultural group. At the political level, cultural groups make demands on education, like the teaching of a specific language at the local schools, or the teaching of the history of their culture. National minorities make language-demands, like the right to have road signs in their own language, and the right to use their own language in public buildings and official exchanges. The list of claims that national minorities make can go on but for the purpose of this chapter it only needs to be reiterated that: (a) national minorities ask for control over their own affairs, which (b) is characterised by a sense of differentiation from the main political culture. For lack of a better word, their demands are characterised by a spirit of segregation rather than integration. In Cyprus the national minorities that have been discussed are the Maronites, Latins and Armenians, and they all lie within the centre of the spectrum of national minorities. Their demands are such that will enable them to maintain their distinctiveness, but not to the extreme end of secession, far from it in fact.

The second type of cultural group is immigrant cultures. Their demands differ in nature from those of national minorities; whereas national minorities ask for differentiation from the mainstream culture, immigrant groups ask for integration to the mainstream culture, like for instance easy access to the job market, language training provided by the state that would facilitate their integration into the society, and the right to practice their religion and to send their children to schools that teach their religion and language on top of the national curriculum. In Cyprus all new immigrants lie within this category, which entails groups like the Sri Lankans, British, Russians and Greeks living in Cyprus.

The third type of cultural group is Aboriginal peoples. The typical examples are found in Canada, Australia and USA, where members of local tribes have been unjustly treated – including slavery, murder and appropriation of the land of their

ancestors – by the European colonialists. Aboriginals are typically asking for the recognition of the historical injustices that they have suffered. This involves three different kinds of demands. The first is official apologies by the state and recognition of their historical presence in the country (usually predating the creation of the state). The second involves the incorporation of their unjust treatment into the national historical narratives taught in schools. The third involves land rights to the geographical area where their ancestors lived – one of the common practices of the European imperialists was to displace aboriginal people, so it makes sense for them to want to maintain a geographical presence. Although Cyprus does not have aboriginal people in the sense that Australia, Canada and the US have, the non-dominant national minorities have received similar constitutional treatment as the aboriginals, in that they have been misrecognised and denied rights that should otherwise be afforded to them.⁵⁶

Kymlicka accepts that the demands that each different type of culture makes might overlap, but he nonetheless argues that his typology represents the vast majority of cultural groups and the demands that they make.

6.2.1 Classifying cultures

It is not accidental that Kymlicka's theory of MC is the most popular of its kind. Kymlicka was eager to examine the issues that real cultures faced, within the contexts in which they appeared – thus taking into consideration limitations of feasibility, implementation and other sociopolitical constraints. Kymlicka's willingness to engage with empirical data made his theory particularly useful since it had the potential to

⁵⁶. It is not suggested that non-dominant minorities in Cyprus have been as violently treated as the Aboriginal in US, Australia and Canada – it is only their constitutional misrecognition that is compared.

provide practical action-guidance to policy makers and lawyers. The most striking example of Kymlicka's engagement with the non-ideal level is can be seen in his typology of culture. His decision to split cultural groups into three categories is an empirically-based decision.

Cultural groups make demands towards the state. They ask for language rights, land rights, recognition rights, integration rights, religious rights and so on. The response that they get is largely conditioned upon the societal attitude towards demands made by other groups of the same type. Therefore the initial classification of a cultural group largely affects the chances of its demands being met. If, for instance, one group is classified as a national minority, it will be entitled to more (and different) rights than the members of an immigrant culture. Similarly, if a group is classified as a religious group rather than a national minority, then only its demands pertaining to religion will merit a response from the state.

Kymlicka's theory relies on the initial classification of culture to distribute the various cultural rights that are available to minority groups. Although he has accepted that his threefold typology is not cast in stone, he nonetheless did not provide a mechanism by which to deal with situations where the threefold classification is invalid. This is a very serious shortcoming, especially given the fact that Kymlicka conceptualises access to a cultural structure as a primary good.

Given the different kinds of cultural accommodation discussed in the beginning of this section (§6.2), it should by now be obvious that different cultural rights can vary both in extent and in kind. The distribution of these goods largely depends on the classification of cultural groups. Yet, this process of classifying cultural groups is a pre-political enterprise in Kymlicka's theory. It is something that is decided by the author. Instead of leaving the classification of cultural groups up to the author, a theory of MC needs to make it part of the political process, whereby a theory of

recognition will precede our discussion of group-differentiated rights, for the latter depends upon the former.

Deliberation and communication between different cultural groups, and between cultural groups and the state is encouraged, since it is only through moral dialogue that decisions gain legitimacy. Nevertheless, the capacity for moral communication relies on recognition, since recognition amplifies (when necessary) the voice of minority members in order to have an equal standing in a liberal polity.

As it was mentioned above Kymlicka divides cultures into three types, each of which can rightfully be granted rights specific to its type. Kymlicka accepts that this distinction is not universal since there are exceptions, but he maintains that the tripartite distinction that he provided reflects the majority of cultural contexts. Thus his argument is an empirically-grounded one.

The most controversial aspect of his empirically-based typology of culture which determine the cultural rights that each type is entitled to is found in his argument that large immigrant groups with historical presence in a country should still not be entitled to the same rights as national minorities.⁵⁷ Consider for example the Chinese people who live in the UK or the USA. Their presence in the two countries is historical – more than two generations – and the total sum of people of Chinese origin or descent living in these countries is larger or comparable to some of its national groups. Why should they be denied self-governmental rights then? Kymlicka's response is two-fold.

Firstly, he argues that this is not what the members of immigrant groups are asking for, so it would be better if theories of MC focused on the demands that members of these groups actually make.

57. Will Kymlicka, "The Theory and Practice of Immigrant Multiculturalism," in *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship* (Oxford: Oxford University Press, 2001), 160.

So while immigrant groups have increasingly asserted their right to express their ethnic particularity, they typically wish to do so within the public institutions of the English-speaking society (or French-speaking in Canada). In rejecting assimilation, they are not asking to set up a parallel society, as is typically demanded by national minorities. The United States and Australia, therefore, have a number of 'ethnic groups' as loosely aggregated subcultures within the larger English-speaking society, and so exhibit what I will call 'polyethnicity'. Similarly in Canada there are ethnic subcultures within both the English- and French-speaking societies.⁵⁸

Theoretically this is not a very appealing justification; especially given the fact that it is hard to account for all the particular demands that different immigrant groups make across the world. The position that immigrant groups typically ask for polyethnic rights, does not explain why they should not be allowed to have self-governmental rights.

The second response that Kymlicka gives is more interesting and engaging. Immigrant groups do not have the resources to sustain a national culture, he argues, and therefore if they are granted self-governmental rights without the ability to sustain their national culture, they will end up marginalised. In order for a national culture to be sustained it needs to be able to support and maintain a societal culture.⁵⁹ This response is made of two parts. In the first, he explains that immigrants

58. Kymlicka, *Multicultural Citizenship*, 14.

59. *ibid.*, 80 explains that "for a culture to survive and develop in the modern world, given the pressures towards the creation of a single common culture in each country, it must be a societal culture. Given the enormous significance of social institutions in our lives, and in determining our options, any culture which is not a societal culture will be reduced to ever-decreasing marginalisation. The capacity and motivation to form and maintain such a distinct culture is characteristic of 'nations' or 'peoples' (i.e. culturally distinct, geographically concentrated, and institutionally complete societies). Societal cultures, then, tend to be national cultures".

have forfeited their right to a national culture. For instance, he gives the example of American migrants in Sweden and argues that they have no right to ask the Swedish government to provide them with institutions of self-government because they have voluntarily given up their national rights by leaving their culture of origin.⁶⁰

The second part of the response is more practically oriented. He argues that immigrant groups lack the ability to sustain a societal culture and as such should not be given rights similar to those of national minorities. He cites Nathan Glazer, who argues that most ethnic groups are too “dispersed, mixed, assimilated and integrated” to exercise self-government. They are not sufficiently “compact, self-conscious [and] culture-maintaining” to sustain the institutions necessary for self-government.⁶¹ And then Kymlicka concludes that “to try to recreate these prerequisites amongst already-settled immigrants would probably require coercion of half-integrated immigrants.”⁶²

6.2.2 Misrecognition and Cultural Oppression

Although Kymlicka’s typology fits comfortably in the standard western examples, when it is applied to Cyprus, it becomes tool of oppression in the hands of the majority.⁶³ As argued above, the labels assigned to cultures determine their rights. Clas-

60. Kymlicka, *Multicultural Citizenship*, 96 writes: “For example, if a group of Americans decide to emigrate to Sweden, they have no right that the Swedish government provide them with institutions of self-government or public services in their mother tongue. One could argue that a government policy which enabled American immigrants to re-create their societal culture would benefit everyone, by enriching the whole society. But the immigrants have no right to such policies, for in choosing to leave the United States they relinquish the national rights that go with membership in their original culture. Similarly, Swedish immigrants to America have no basis for claiming the language rights or self-government rights needed to recreate their societal culture.”

61. Nathan Glazer, *Ethnic Dilemmas: 1964-1982* (Cambridge, Mass.: Harvard University Press, 1983), 227, 83.

62. Kymlicka, *Multicultural Citizenship*, 96.

63. Although the labels arbitrarily assigned to the different cultural groups in Cyprus disproportionately affect the minority national groups, they nonetheless have a negative impact on the majority national group as well, through the state of exception. As Constantinou explains, the RoC “was intended to function as a state of exception from its very inception; an exception to the principle of self-determination, an exception to independence from the ‘motherlands’ and an exception to the

sifying a culture is a pre-political exercise excluded from the political discussion and as such the members of minority cultures have their voice silenced or amplified according to the pre-political classification of their culture. A theory of recognition is needed that precedes any theory of multiculturalism or any other theory that requires the communication of different peoples. Any theory of MC must include at its core a theory of recognition; one that involves the members of minorities in the classification of their culture. This subsection will explore how misrecognition leads to cultural oppression, before proceeding to §6.3 to see misrecognition in action through the examples present in the case of Cyprus.

When there is ambiguity as to what kind of a group a cultural association is, the members of the majority societal culture that dominate the institutions of the state try to interpret, understand and define the group based on the political classifications that they have in mind. Therefore, they are searching for evidence of certain traits that define one of the three groups. This is what Tully defines as the process of recognition in modern constitutionalism that oppresses cultures.

When claims for recognition are expressed, a two-track process takes place. Initially, the demands of minority cultures are “redescribed” in the language of each of the three prevailing traditions (liberalism, communitarianism, nationalism). For example, aboriginal peoples are redescribed as “nations”, with “sovereignty” or a “right of self determination.”⁶⁴ Then, their claims are put under examination based on the critical norms of each of the three mainstream traditions. As argued in §6.2.1 the experiences of constitutional misrecognition experienced by the Aborigines are very similar to those experienced by the members of non-dominant national mi-

unfettered exercise of sovereignty.” Thus, the state of exception affects everyone living on the island, whose rights as citizens of a sovereign state do not much those enjoyed by their Western counterparts. See Costas M. Constantinou, “On the Cypriot States of Exception,” *Journal of Political Sociology* 2, no. 2 (2008): 145.

64. Tully, *Strange Multiplicity: Constitutionalism In An Age Of Diversity*, 39.

norities in Cyprus, and as such, inquiring into the causes and potential mechanism of avoidance of such misrecognition, will help theories of MC to be successfully exported beyond their dedicated contexts.

According to Tully, both the language and the assessment of the claims of minority groups take place within the modern authoritative framework of liberal constitutionalism and as such “the language of modern constitutionalism is seen as an imperial meta-narrative which needs to be thoroughly deconstructed.”⁶⁵ Modern constitutionalism has received three set of criticisms: the first comes from post-modern critics who argue that identity as perceived in the authoritative framework of interpretation “is always different from itself, as well as from others”⁶⁶; the second originates in cultural feminism whose proponents maintain that it is not possible to address feminist claims for recognition in the language of modern constitutionalism since it entails a “masculine partiality which discriminates in some ways against feminine ways of speaking, thinking and acting”⁶⁷; and finally, the last criticism is that of intercultural citizens like aboriginal peoples, dual-nationals or linguistic minorities, who claim that the language of the existing institutions “distorts their voice”.⁶⁸ Therefore the language of modern constitutionalism has been used as a suppressor of diversity and as a defender of uniformity. Tully suggests that liberal theorists need to retrace their steps and question the underlying assumptions, along with the transition from ancient to modern constitutionalism.

The aboriginals did not fit within the European understanding of nationhood and sovereignty and for this reason they were denied basic rights. Although Kymlicka does not have similar motivations to the Colonialists, nevertheless by not in-

65. Tully, *Strange Multiplicity: Constitutionalism In An Age Of Diversity*, 45.

66. *ibid.*, 45-46.

67. *ibid.*, 47.

68. *ibid.*, 53-54.

cluding a theory of recognition as part of his multicultural model, his theory has the potential to deny cultural rights to certain groups which do not fit his threefold classification of culture.

6.3 Examples of Misrecognition in Cyprus

Two examples from the case of Cyprus demonstrate the consequences of distributing cultural rights without an underlying theory of recognition. First, the example of the Cypriot Roma and then the example of Cypriot Latins, Cypriot Maronites and Cypriot Armenians. The historical background of these cultures has been presented in §5.4. In this section, these examples will be used as real-life cases of misrecognition. It will be argued that the theories of MC seen thus far lack the conceptual tools to guarantee that these cultures will have a different treatment which will spare them from the constitutional silencing that they have incurred. In the next section, §6.4, an alternative suggestion of how to facilitate the process of recognition to avoid the instances presented in §6.3 will be provided.

6.3.1 Erased from History: the Case of Roma

The Cypriot Roma have a historical presence in Cyprus for centuries.⁶⁹ They speak languages specific to their culture and also the language of one of the two dominant national groups in Cyprus – Greek or Turkish.⁷⁰ The Roma of Cyprus are either Muslims or Christians, depending on which side of the divide the 1974 invasion found them; those that were in the South (the territory controlled by the Republic of Cyprus

69. See §5.4.

70. Marilena Karyolemou, “Minorities And Minority Languages In Cyprus,” in *The Minorities Of Cyprus: Development Patterns And The Inclusion Of The Internal-Exclusion*, ed. Andrekos Varnava, Nicholas Coureas, and Marina Elia (Newcastle upon Tyne: Cambridge Scholars Publishing, 2009), 316–336.

and the Greek Cypriots) are mostly Christians whereas those that were in the North (under Turkish Cypriot control) are mostly Muslims.

The Roma population living in Cyprus is not even considered Cypriot because they lack the attributes of a national minority. A largely unknown and particularly interesting fact, demonstrative of the way the Roma were treated, is that they were originally recognised in the first drafts of the Annan Plan – a new constitution drafted on behalf of the then Secretary General of the United Nations Koffi Annan – as a national minority, only to be excluded at the last draft, thus denying them recognition with the approval of the United Nations. They were quite literally deleted from the history of Cyprus. By refusing to recognise them as a national minority, or at least as an old migrant group or a religious group with historical presence in the island, the Roma were treated as foreigners in their own country.

The way the former president of the RoC Mr Glafkos Clerides treated Roma Cypriots is indicative of the way the state in the South refuses to recognise Roma and excludes them from the political process. When the borders opened many Roma living in the North crossed to the South to seek employment in the Republic of Cyprus, where more job opportunities were available. Those that did not have an identity card of the Republic of Cyprus – something common between the Romani of Cyprus – were imprisoned and treated as illegal immigrants, despite them being born in Cyprus where their ancestors lived for generations. Costas Constantinou describes what happened next very graphically:

When the Greek-Cypriot Attorney-General pointed out that this was illegal, and that the Republic would be internationally accountable for this action (especially at the time it was claiming that the Turkish-Cypriot regime was mistreating Gypsies in the north), the police claimed that

they were never put into prison as ‘prisoners’ and that nobody was stopping the Gypsies from leaving (Cyprus Mail, 19 and 20 April 2001). The police only put them into prison because they did not know where to accommodate them! The Greek-Cypriot Minister of Justice and Public Order also let it be known that the Gypsies were suspected of espionage for the Turkish army (Cyprus Mail, 3 April 2001). When all these failed, and given the media focus home and abroad on the matter, the government decided to arrange for ‘appropriate places’ for them to stay. Given that no Greek-Cypriot village or district seemed keen to accept them in their locale, the government suggested makeshift places near Kotsiati next to the Nicosia rubbish site and Kofinou near the main Cyprus abattoir, both sites quite telling as to how the Gypsies were officially and popularly perceived (Cyprus Mail, 14 April 2001 and 5 February 2002). In the end, and following protests from the Gypsies, as well as from locals, they were moved to the Turkish-Cypriot section of Limassol and the village of Makounta in Paphos (Cyprus Mail, 28 September 2003 and 20 November 2003). But by this time the Greek-Cypriot government had realised the communication value of properly treating ‘our Gypsy compatriots’ who fled the ‘oppressive regime in the north.’⁷¹

The case of the Cypriot Roma is the most interesting example of misrecognition because it blatantly shows what happens when a proper mechanism for recognition is not in place to secure the equal participation of a group in the democratic process – how can a group whose members are imprisoned as illegal immigrants be expected to participate on equal footing in a deliberation with the members of the other cul-

71. Costas M. Constantinou, “Aporias Of Identity: Bicomunalism, Hybridity And The ‘Cyprus Problem,’” *Cooperation and Conflict* 42, no. 3 (2007): 264.

tural groups? Deliberation, being a two-way process of communication, requires the interlocutors to enjoy equal footing in the discussion. Otherwise we are not talking about an exchange of good reasons but rather about something else, reminiscent of times when subjects addressed the nobility.

6.3.2 Misrecognition as Nation-building: Armenians, Latins and Maronites

As described in chapter 5, the cultural spectrum in Cyprus is rather confusing. Whereas in the classic examples described by Kymlicka the tripartite distinctions are clear, in Cyprus one can find national groups that have majority and minority standing at the same time.

The Greek Cypriots are the majority societal culture and the Turkish-Cypriots, Armenians, Latins, and Maronites are minority cultures. The Roma, as seen above, are absolutely ignored. What complicates the situation is that the Turkish Cypriots, who are a minority culture when compared to the Greek Cypriots, enjoy more rights than the rest of the minority cultures found on the island. Therefore, given that the Greek- and Turkish-Cypriots have constitutional control over the institutions of the state, and given that the negotiated constitution (part of the solution for the Cyprus problem) is a bicommunal one, the Greek- and Turkish-Cypriots are dominant cultures, irrespective of the fact that Turkish Cypriots are a minority. Turkish-Cypriots are a minority culture only when they are compared to the Greek Cypriots, and this is the reason that I label them a dominant minority culture.

In Cyprus the process of misrecognition was used as a political tool to silence non-dominant minorities. The contrast between the rights afforded to the Turkish Cypriot minority compared to those given to Armenians, Latins and Maronites is

most telling. Whereas according to the 1960 constitution the TCs shared the power with the GCs at all the levels of the state – executive, legislative and in the courts – the rest of the minorities in Cyprus were only guaranteed seats in the House of Representatives (the parliament) without any power of veto over issues related to their specific cultural affairs. Also, they had no representation in the Supreme Court that rules on differences between GCs and TCs, nor did they have representation at the executive level – and contrary to the UK where the members of the Prime Minister's Cabinet sit at the core of Westminster, in Cyprus the executive is separated from the legislature. The diminished constitutional rights that members of non-dominant minorities received rendered them dependent upon the Greek Cypriot majority and the Turkish Cypriot dominant minority cultures, even for issues that had nothing to do with the two bicommunally supreme communities.

The existence and the survival of smaller cultural groups relies upon the good will of the dominant culture; in the case of the RoC, it relies upon the Greek Cypriots who now, and since 1963, control the institutions of the state. The demands of minority groups are only likely to be addressed and met if they don't threaten the dominant narratives and identities of the main societal culture that is in control of the institutions of the state. In other words, any demands for rights, or any demands for recognition, are filtered through the security concerns and interests of the dominant majority culture.

Why then are non-dominant minorities in Cyprus not enjoying the same rights as the Turkish Cypriots, given that the latter are also a minority group with historical presence in Cyprus? Part of the explanation is that these groups – Armenians, Latins, Maronites – were perceived and treated as religious groups rather than as national minorities. They were declined rights usually granted to national minorities, allowing for their swift assimilation into the two dominant cultural groups, the

Greek and Turkish Cypriots. The cultural characteristics of the non-dominant minorities in question were reduced to politically irrelevant cultural specificities and as such were not recognised as traits that define national identities.

In §6.5 it will be argued that ethnicity should not be the identity-marker that defines national cultures using the examples of the minorities in Cyprus. For the moment, it suffices to say that the three non-dominant minorities were forced to adopt the ethnic identities of the two dominant groups. In 1959 they were asked to decide whether they wanted to become Greeks or Turks, for there was no other ethnicity one was allowed to have if they wanted to have legitimate claims in the newly-found state, the Republic of Cyprus, as was mandated in the 1960 Constitution. Thus, despite them having ethnic relations and attachments to motherlands other than Greece or Turkey (with the exception of Latins who had no ethnic attachment), the non-dominant minorities in Cyprus were forced to give up their ethnic identities and adopt those of (one of) the dominant cultures. Failing to do so would render their claims towards the RoC as illegitimate and also make them look traitorous, since they would be undermining the new constitution, challenging the new state, the RoC, which was bicommunally structured.

Challenging the constitution would in turn trigger the security concerns of Greek- and Turkish-Cypriots. Undermining the sense of security of the two cultures was not an option. The sovereignty of Cyprus, imposed from outside,⁷² emerged in order to ease the bicommunal tensions and stop the civil war that was taking place and therefore any attempt originating from anyone but the two dominant groups to undermine the state was considered an act of aggression and often merited the label of “traitor” upon the “aggressor.”

72. Costas M. Constantinou, “Cypriot In-Dependence And The Problem Of Sovereignty,” *The Cyprus Review* 22, no. 2 (2010): 17–33.

The non-dominant national minorities were treated more as religious associations rather than national minorities, despite the language used in the 1960 constitution, which recognised Armenians, Maronites and Latins as national minorities. By being deprived of their ethnic origins, denied language rights, and having their historiography filtered through the dominant narrative of the Greek Cypriots (since they decided to associate themselves with the GCs rather than the TCs) the non-dominant minorities in Cyprus were subjected to the perils of bicommunal exceptionalism that deprived them of the main identities that constituted their culture.

The language rights of Maronites are an example that resonates with the mainstream examples presented in the literature of multicultural citizenship, since it has considerable similarities to the case of Québécoise in Canada; the seminal case upon which theorists like Taylor and Kymlicka developed their respective theories of multiculturalism. Maronites have an ethnic attachment to Lebanon and are geographically concentrated in two villages in Cyprus – most Maronites live outside the “Maronite villages,” but it is in those villages that their collective identities find room for expression. Maronites have a language specific to their culture; one that fades as the elders of the community pass away, and one which is only spoken at the village of Kormakitis. The Maronite children attend the state schools of the Republic of Cyprus, where they are taught the same curriculum as the members of the dominant Greek-Cypriot culture; they are taught that they are ethnic Greeks of Cyprus that should believe in the one and only God, the Christian Orthodox God. The qualitative and quantitative research conducted by Philippou in state schools demonstrates how the civic and ethnic identities of young school boys and girls are reconciled – the notion of being both Greek and Cypriot – through the common religion that the two countries are supposed to have and through their links to classical Greece.⁷³ The fact

73. Stavroula Philippou, “Constructing National And European Identities: The Case Of Greek-

that Maronites are ethnically Lebanese, that they have a language indigenous to their culture called Cypriot Maronite Arabic, and that they are Catholics contradicts the dominant Greek-Cypriot narrative, perpetuated in schools. Thus, all the identities cultivated through the educational system contradict and undermine the identities that are attached to their culture.⁷⁴

The 1960 constitution of the newly-found bicomunal state, the Republic of Cyprus, recognised only two ethnic identities: the Greeks and the Turks. Thus, every other minority even if it was called a “national minority” was not treated as one, since ethnicity was the decisive factor upon which the political power under the new constitution was distributed. The forced-adoption of an ethnic identity at the expense of one’s own had caused an existential crisis to the members of the non-dominant minorities. The personal reflections of people who were young during the 1960s are illuminating. I will now provide two examples of the identity crisis experienced by Maronites in Cyprus, showing how misrecognition has affected the identities relevant to their culture.

The first example has to do with Maronite allegiances to football clubs. Football in Cyprus is a highly politicised matter. One’s political leanings can be easily deciphered with knowledge of the football team that they support. The biggest team in Cyprus, called Omonia, is associated with the communist AKEL and is considered the football team of working-class anti-nationalists that tend to downplay their eth-

Cypriot Pupils,” *Educational Studies* 31, no. 3 (2005): 293–315; Stavroula Philippou, “On The Borders Of Europe: Citizenship Education And Identity In Cyprus,” *Journal of Social Science Education* 6, no. 1 (2007): 68–79; Stavroula Philippou, “What Makes Cyprus European? Curricular Responses Of Greek-Cypriot Civic Education To ‘Europe’,” *Journal of Curriculum Studies* 41, no. 2 (2009): 199–223; Stavroula Philippou and Andrekos Varnava, “Construction Of Solution(S) To The Cyprus Problem: Exploring Formal Curricula In Greek Cypriot State Schools,” in *Reunifying Cyprus: The Annan Plan And Beyond*, ed. Andrekos Varnava and Hubert Faustmann (London: I. B. Tauris, 2009), 194–212.

74. Andrekos Varnava, “The Minorities Of Cyprus In The History Of Cyprus Textbook For Lyceum Students: A Critique,” in *The Minorities Of Cyprus: Development Patterns And The Identity Of The Internal-Exclusion*, ed. Andrekos Varnava, Nicholas Coureas, and Marina Elia (Newcastle upon Tyne: Cambridge Scholars Publishing, 2009), 299–313.

nic loyalties in favour of Cypriotism as a form of civic identity. Omonia was founded in 1948 when APOEL, the second largest football team of the island, declared that it wanted “the communist mutiny” to be seized.⁷⁵ Left wing footballers left APOEL either by voluntarily exiting the nationalist team or by being expelled for their political views. The left wing former-APOEL footballers created new clubs like Salamina, Omonia and Alki that were associated with the communist party, which itself was associated with its respective Greek one that was fighting a civil war in Greece. Note that APOEL stands for “Athletic Football Club of Greeks of Nicosia”. As the name suggests non-Greeks were never particularly welcome in the ranks of APOEL. To this day, APOEL is associated with the conservative right, ranging from the moderate conservative DISY, to the far-right EVROKO, and to the neo-nazist ELAM, the sister party of the Greek Golden Dawn.⁷⁶

What one can safely argue without much controversy is that the mainstream political views held both from the official APOEL and from the bulk of its supporters, is that Cyprus is Greek and that the priority of the state (that is Greek) should be to help the Greeks maintain their ethnic identity, which is held in higher esteem than their civic identity – meaning that their loyalty to the Cypriot state is secondary to their loyalties to the Greek ethnos, which according to them ought to be maintained through the institution of the state. One could therefore argue that APOEL is largely supported by people who consider their Greek ethnic identity as of particular importance and Omonia by people who reject (or downplay the significance of) their ethnic attachment to a motherland in favour of a Cypriocentric civic and

75. Vasilios Ioakimidis, “Omonoia Nicosia: When The ‘Communist Bandits’ Formed A Football Team,” in *Capitalism and Sport: Politics, Protest, People and Play*, ed. Michael Lavalette (London: Bookmarks Publications, 2013).

76. I am not suggesting that APOEL supporters are neo-Nazis; rather that APOEL is traditionally associated with the right and that its fan-base is diverse and attracts supporters across the whole of the right spectrum of the political scene in Cyprus.

non-nationalist conception of their identity.

Given the distinction between Omonia and APOEL, a logical expectation would be that people with non-Greek ethnic attachments and people without any ethnic attachments at all, would be more likely to support Omonia rather than APOEL. The Maronites consulted in the course of this thesis maintained that many people from their cultures support APOEL, despite the ethnocentric rhetoric of the team and its supporters.

This issue came up in the documentary *The Third Motherland*.⁷⁷ Constantinou followed a group of Maronites on their pilgrimage to Lebanon and asked them questions on camera whilst in the bus. In discussing his identity, a young Maronite that was part of the group, explained to the interviewer that being a fan of APOEL was as important as to him as being a Maronite. Recently, this issue became a hot topic of debate among the Maronites, since an op-ed was published that explained the rationale behind the Maronite support to APOEL – making an attempt to reconcile the Greek ethnocentric views endorsed by APOEL and its supporters, with the Maronite identity and the ethnic loyalties to Lebanon.⁷⁸ The op-ed was full of historical inaccuracies; a fact that is important in its own right because it demonstrates how cultural assimilation works, where members of minorities modify their views and the historiography of their culture in order to conform to the dominant narrative. The paradox of the Maronites supporting a nationalist team is the first example that I wanted to include here in demonstrating the outcome of bicomunal exceptionalism found in Cyprus. The second example pertains to the non-recognition of the language of the Maronites by the Republic of Cyprus.

77. Costas M. Constantinou and Giorgos K. Skordis, *The Third Motherland*, <http://www.youtube.com/watch?v=JVKH7thX8vc>, 2011.

78. APOEL.net, *Why Maronites Support APOEL (Greek)*, http://www.apoel.net/apoel2/monimesstilesinside.php?news_id=1201, 18 November 2011.

Maronites are perfectly fluent in Greek; it's impossible to distinguish a young Greek Cypriot from a young Maronite on the basis of how they converse in the Cypriot dialect of Greek that is spoken in Cyprus. This is to be expected given the fact that Maronites attend state schools where everything is taught in Greek. Nevertheless, as it was mentioned above, Maronites have a language indigenous to their culture, called Cyprus Maronite Arabic (CMA). Every time the Maronite minority asked for the assistance of the state for the survival of their culture they got turned down. During Mr Tassos Papadopoulos presidency, a report was issued stating that the Maronites do not speak a distinct language. They were dismissed on the grounds that what they perceive to be the language of their culture, was in fact a benign dialect only spoken by few elders in the Maronite village of Kormakitis.

It was in 2009 that UNESCO declared that the language of the the Maronites is called Cyprus Maronite Arabic, refuting the claim of Papadopoulos that it is an irrelevant dialect. Rather, UNESCO recognised the language of the Maronites in Cyprus as one that is indigenous only to Cyprus, and one that is facing the threat of extinction; a threat that should be averted since CMA is now considered a global cultural heritage. It was only then that the Republic of Cyprus decided – was forced – to allocate funds for the teaching of CMA to members of the Maronite community.⁷⁹

What all non-dominant minorities in Cyprus have in common is that they have all been victims of misrecognition by the RoC – they have all been denied the constitutional powers afforded to the Greek and Turkish Cypriots. In fact, if they are compared to the Turkish-Cypriots, which are also a minority group, one can observe how they were downgraded and treated as religious associations, despite the fact that they are referred to as national minorities in the constitution.

79. Costas M. Constantinou, "The Protection and Revival of Cypriot Maronite Arabic," *PRIO Cyprus Centre Policy Brief (January)*, 2009,

6.3.3 Recognition at the State-level Driven by the Dominant Culture

The cases presented above point to two very important problems that demonstrate the urgent need for the incorporation of a theory of recognition at the core of a multicultural theory. The first issue relates to the current process of recognition followed by multicultural theories and the second to the need for a more global response to what is a widespread problem – misrecognition and denial of rights to minority groups is not a context-specific issue, but rather one that arises in many societies. In this subsection the process whereby the state facilitates the process of cultural classification which leads to misrecognition will be analysed, in order to proceed in §6.4 to talk about an internationally-oriented process of recognition.

Initially, the current process of recognition in MC needs to be addressed. The first part of the process of cultural accommodation is to have a rough idea of what kind of rights are typically afforded to each type of cultural group. “Rough” idea since, as it is observable from the case of Cyprus, national minorities might be constitutionally labelled as such but treated more like religious groups. Once a rough idea of what the rightful claims that each cultural type can make, then the different national groups found in a country are accounted for. In a theory of multicultural citizenship the person who is actually making the judgement of what type of culture each group is, is the theorist. The theorist is a seemingly neutral individual with no undisclosed biases or ulterior motives. In real societies this is not the case; political philosophers are seldom central to the political process of cultural recognition. The decision lies with the state, which is let to decide what types of cultural groups exist within its bounds to assess whether their claims have any merit.

The role of the state is therefore central, for it is responsible for making the

classification of cultures in the typology of cultural groups, before evaluating the claims that each group is advancing towards the state. The discussion here is solely preoccupied with states that are liberal. Whilst the liberals vs illiberal distinction is fairly straightforward in political theory, that is far from the case in real societies, especially in the cases of countries that do not fall within the category of “advanced western states,” and even more so in countries whose national identities are a highly politicised and securitised issue.

Cyprus is one such case. It is – on paper – a liberal country that nonetheless is often found oppressing members of national minorities and immigrant groups. The aggression towards minorities is curtailed only after international bodies point out the shortcomings or the human rights violations of the government. The case of the Cypriot Gypsies presented above, the language rights of Maronites and the fact that political refugees that apply for asylum are locked in Menoyia,⁸⁰ which has been declared by the ECtHR as a place where systematic violations of human rights are taking place, are examples of illiberal policies and practices of a formally liberal state.⁸¹

80. Amnesty International, *Cyprus: Abusive Detention Of Migrants And Asylum Seekers Flouts EU Law*, <http://www.amnesty.org/en/news/cyprus-abusive-detention-migrants-and-asylum-seekers-flouts-eu-law-2014-03-18>, 18 March 2014. AI in its report writes: “Cypriot immigration authorities routinely detain hundreds of migrants and asylum-seekers in prison-like conditions for extended periods while awaiting deportation. Those detained include Syrian refugees and women separated from their young children. Evidence gathered by researchers during a recent visit to Cyprus indicates that the authorities are exploiting European Union (EU) laws – imposing automatic detention of migrants and asylum-seekers without implementing the required safeguards, which make detention a last resort. The practice is also a breach of international law.”

81. “While welcoming the appointment of a Complaints Committee in May 2013 to handle complaints regarding ill-treatment and detention conditions in Menoyia Detention Centre, as well as the decision to refrain from using handcuffs, the Committee remains concerned by the numerous allegations of ill-treatment by police in the Centre, leading to protests and hunger strikes. The Committee also received information regarding very limited outdoor access, poor quality of food and frequent resort to solitary confinement (arts. 11 and 16). The Committee urges the State party to ensure that the legal regime at Menoyia Detention Centre is suitable for its purpose and that it differs from the regime of penal detention. The Complaints Committee should vigilantly pursue each complaint and immediately transmit allegations of ill-treatment to the Office of the Attorney- General for further investigation. Solitary confinement should remain a measure of last resort, imposed for as short a

The liberal values upheld in the constitution can further be marginalised when the latter is interpreted through the prism of “security emergency.” Every constitution has a provision that protects the institutions guaranteed by the constitution. This is guided by “*salvus reipublicae suprema lex esto*, meaning “the welfare of the people shall be the supreme law,” which originates from Cicero’s *De Legibus*.⁸² These provisions take precedence when there is an emergency. In Cyprus this constitutional provision, labelled the “law of need,” has been used to fill the void of the constitutional vacuum that emerged when the bicommunal state became monocultural, with the Greek-Cypriots dominating the institution of the state.⁸³ After 1963, the TCs withdrew from the administration of the RoC. The then President of the RoC, the Greek-Cypriot Archbishop Makarios III, was left to rule without the checks and balances that a TC Vice President provided. Under the constitution, two levels of checks and balances existed: a mixed Supreme Court responsible for resolving differences between the two communities and a Turkish-Cypriot Vice President with veto power, responsible for ensuring that the GC President did not exercise absolute power.

Thus far then it has been established that liberal states do not always act in accordance with liberal values. Given that the institutions of the state are usually filled and run by members of the dominant societal culture, the chances of ethnocultural bias is more pronounced when there are security considerations involved, like in the

time as possible, under strict supervision and judicial review.” United Nations, *Committee Against Torture: Concluding Observations On The Fourth Report Of Cyprus* (CAT/C/CYP/CO/4), 16 June 2014, 8.

82. Marcus Tullius Cicero, *Cicero: On The Commonwealth And On The Laws*, Cambridge Texts in the History of Political Thought (Cambridge: Cambridge University Press, 1999), bk III, part III, sub VIII.

83. The two seminal cases where it was established are Attorney-General of the Republic of Cyprus. v. Mustafa Ibrahim, 1 CLR 195, 1964 and The Board of the Registration of Architects and Civil Engineers v. Kyriakides, *The Board of the Registration of Architects and Civil Engineers v. Kyriakides*, 1966.

case of the “law of need” outlined above.

When the members of a dominant societal culture feel threatened, they are likely to use the institutions of the state in order to ensure the survival of their own culture. Thus the state is used to enhance the nation-building of the dominant culture, whose survival and resilience is assessed in opposition to other cultures. When the members of non-dominant minorities make demands towards the state they are relying on the members of the majority culture to recognise and legitimise them. Doing so goes contrary to the interests of the dominant culture since its dominance is undermined by the emergence of more national groups that make demands from the state.

The minority groups in question then have two options, neither of which excludes the other. They will either frame their demands in a language that does not excite the phobias of the main cultural group (at the expense of their cultural identity) or they will be misrecognised – or denied recognition – by the dominant cultural group that enjoys monopoly over the institutions of the state.

In Cyprus both can be observed. Minority groups have internalised the dominant narratives that misrecognised them, all the while they are denied basic rights like the ability to teach their children the language of their ancestors. The case of the former president of the Democratic Party (DIKO) is most interesting. Mr Mario Garoyian is an Armenian-Maronite Cypriot (Armenian father, Maronite mother) who was the leader of DIKO, a party with a hardcore view on the Greek origins of Cypriots, as well as the Greekness of Cyprus overall. One could go as far as to call DIKO a nationalist party, although its members would seldom accept this description. The fact that an Armenian was in charge of DIKO for seven (2006-2013) years, eager to defend the Greekness of Cyprus, illustrates the effect that ethnocentric nation-building had upon the members of the minority cultures found on the

island.

Another example that demonstrates the effect of nation-building upon members of minority cultures is found in reports of older Maronites that were in school during the late 50s and early 60s. Most participants described feelings of shame and internal contradiction. Shame towards their own culture that they felt they were abandoning by not conversing in its language, and shame towards the GCs and the school for not conversing in the “proper” national language.

6.4 A Process of Recognition at the International Level

The central question that will be addressed in §6.4 is what can be done about the misrecognition of cultural groups, given that this is an issue that affects many different cultures across multiple countries. The process that will be defended in this section will provide suggestions on how the recognition of minority cultures like those found in Cyprus can be facilitated. The objective is to have a process whereby cultures take part in the process of their classification, as part of a democratic deliberation where they enjoy equal standing as the members of the majority culture, who are typically in control of the state.

The expansion of the distinction of national minorities, immigrant groups and aboriginal peoples, is uncontroversial. Kymlicka himself accepts that in places like Eastern Europe the taxonomy could be expanded.⁸⁴ The most important and considerably more controversial issue is how to incorporate a mechanism of recognition into the existing theories and the decision-making process of multicultural accommodation. Kymlicka in his last book on multiculturalism declared the victory

84. Will Kymlicka and Magdalena Opalski, *Can Liberal Pluralism be Exported?: Western Political Theory and Ethnic Relations in Eastern Europe* (Oxford: Oxford University Press, 2001), see Introduction

of multiculturalism, as observed through the incorporation of considerations for diversity into the foundational documents of the major intergovernmental institutions like the UN and the EU. His *Multicultural Odysseys* describes the voyage from the point of emergence of liberal multiculturalism until the successful implementation of group-differentiated policies that accommodate cultural minorities.⁸⁵ Whereas in Homer's opus the destination – Ithaca – had little importance, since it was the voyage that mattered, in Kymlicka's *Odyssey* the destination is important, for it allows the theorist to proclaim the success of multiculturalism – multiculturalism has prevailed, and now it's just a matter of exporting it beyond its dedicated contexts.

Yet neither the theoretical aspects nor the practical considerations of multiculturalism are settled, and victory is far from being proclaimed. The aftermath of the attack at the World Trade Centre in the USA has caused a backlash to multiculturalism, both in terms of policy and public opinion.⁸⁶ The fear towards Islamic extremism was revived with 9/11 and has been sustained ever since through various events that periodically amplify it – like for instance British Muslims going to Syria and Iraq to fight on the side of the rebels⁸⁷ – creating a wall of distrust that separates (and isolates) Muslim people.⁸⁸ The mistrust persists irrespective of the fact that the

85. The *Multicultural Odysseys* succeeded at raising the issue of multicultural accommodation high in the international agenda. Whereas Kymlicka's contemporaries battle over boring semantics like "multiculturalism" vs "interculturalism." See Ted Cante, *Interculturalism: For the Era of Cohesion and Diversity* (Basingstoke: Palgrave Macmillan, 2012); Tariq Modood and Nasar Meer, "How Does Interculturalism Contrast With Multiculturalism?," *Journal of Intercultural Studies* 33, no. 2 (2012): 175–196.

86. Geneive Abdo, *Mecca and Main Street: Muslim Life In America After 9/11* (Oxford: Oxford University Press, 2006); Costas Panagopoulos, "The Polls-Trends: Arab And Muslim Americans And Islam In The Aftermath Of 9/11," *Public Opinion Quarterly* 70, no. 4 (2006): 608–624.

87. Suraj Lakhani, *What Makes Young British Muslims Want To Go To Syria?*, <http://www.theguardian.com/commentisfree/2014/jun/24/isis-british-muslims-reality-war-fight-extremism>, 24 June 2014.

88. The public discussion on Islamic extremism occupies such a disproportionately big part of public debate creating the impression that it is a widespread and common problem. A logical consequence of the false perception that Islamic extremism is a mainstream problem is the distinction between "good" and "bad" Muslims. This has two purposes. The first is to try and dissuade young British Muslims from radicalising and the second is to make mainstream British Muslims feel safe. The British

overwhelming majority of Muslim people living in the West are political liberals that accept the values of a liberal well-ordered society that govern the advanced democratic states of the West – the same values that the British Prime Minister has recently and mistakenly declared as being distinctively British.⁸⁹

Kymlicka is right in arguing that the West has developed a culture of acceptance towards diversity and he is also right that success stories of multiculturalism could be spread through intergovernmental institutions that can facilitate the transfer of know-how to deal with specific challenges of diversity. What is not clear from Kymlicka's latest book on multiculturalism is how intergovernmental institutions can be used to facilitate the spread of liberal pluralism; what else other than highlighting good practices can intergovernmental institutions do.

Little guidance is given into how liberal pluralism can be exported beyond the archetypal cases. Specifically, we do not know what institutional role intergovernmental organisations should assume in this process. In the case of Cyprus, there is little guidance on the role of the EU and the UN in the process of recognising and accommodating minority cultures. Neither are there any suggestions as to the role of these institutions in enforcing the respect of diversity. A formal process needs to be established at the international level of intergovernmental organisations; one that goes well beyond the publicisation of success cases.

The usefulness of intergovernmental institutions lies in their ability to provide a seemingly neutral perspective in cases where the interested parties cannot reach a middle ground; and this ability is even more important than highlighting

government has not succeeded at doing so. By giving so much emphasis to Islamic extremism and by emphasising the distinction between moderates and extremists, all moderates are being conceived as potential extremists, and their demands are filtered through an additional layer with considerations pertaining to national security.

89. David Cameron, *British Values Aren't Optional, They're Vital. That's Why I Will Promote Them In Every School*, <http://dailym.ai/1p4rP7b>, 15 June 2014.

good multicultural practices and transferring know-how. Having intergovernmental institutions with binding decisions that can act as neutral arbiters is of immense importance, since they can be utilised in the process of recognition, in order to ensure that the deliberating parties enjoy equal standing in the debate. Although a critique would say that by delegating more powers to intergovernmental institutions would be to the detriment of the democratic process, in this case the involvement of intergovernmental institutions enhances the democratic process since it ensures that minorities will have a place at the negotiating table.

This argument of course comes with the usual caveat – the one that says that intergovernmental institutions are far from neutral since they are: (a) ideologically biased in favour of neo-liberal economic policy; (b) culturally biased since they reflect and promote the values held dear by advanced western countries; (c) class biased since the interests of more affluent countries take precedent over the rest; and finally, (d) that the best interest of the involved parties might not be met, in order to avoid setting a precedent unfavourable to the more powerful countries.

Realising the above challenges to the argument that intergovernmental institutions can provide a neutral framework, it can still be argued that the benefits of doing so outweigh the possible shortcomings and is worth the risk.

Intergovernmental institutions can become the facilitators of the process of recognition. This can happen in two ways. The first is to transfer the whole process of recognition to the international level, where the pre-classificatory deliberations – the process of recognition – will take place, or with the involvement of intergovernmental organisations at the level of individual countries. Intergovernmental organisations can provide binding guidelines to state-members regarding the recognition of cultural minorities, along with an institution that can arbitrate when conflict arises; an arbitration court that has the final judgement, in the same way that the European

Court of Justice has the final say in the interpretation of EU law.⁹⁰

This process would be an extension to Kymlicka's theory, since it would address its major shortcoming, which is the misrecognition of cultural groups; an obstacle that hinders the exportability of his theory in countries where cultural identities are a highly politicised matter that trigger security concerns.

6.5 Culture Beyond the Ethnos

Even if a process of recognition of the cultural type of each group is established, misrecognition is possible if citizenship to a liberal state relies on ethnicity, because non-ethnic cultures – cultures that do not conceive themselves parts of a wider imaginary community – will be constitutionally inferior. The case of Cypriot Latins is one such example, which has been presented in both §5.4.3 and §6.3.2. In this section, a preliminary examination of the role of ethnicity within the liberal state will be made, in order to proceed then in chapter 7 to demonstrate how the post-ethnic defence that will be advanced here can underpin the ongoing negotiated constitution for the comprehensive solution to the Cyprus problem.

The cultures that are ethnic cultures with historical presence in a liberal country, get to have self-governmental rights. This is problematic because other cultures might have all the attributes that national minorities possess, yet lack a national attachment to a motherland. At best this is unfair, at worst culturally imperialistic since it looks for national cultures even when there are none, like in cases where the concept of ethnicity is alien to the cultural mix.

90. This is called “preliminary ruling,” and it is when a nation-state asks the ECJ for an interpretation of a law. The ruling of ECJ is the highest authority in the interpretation of that law. For more, see Karen J. Alter, “The Transformation Of The European Legal System And The Rule Of Law In Europe,” in *Establishing The Supremacy Of European Law: The Making Of An International Rule Of Law In Europe* (Oxford: Oxford University Press, 2003).

6.5.1 The Banality of Ethnicity

The first question then is “why ethnicity?” Ethnicity as an identity marker is problematic since it no longer fulfills the role or has the context that it once had. One of the most popular discussions on nationalism is provided by Benedict Anderson who argues that nationalism is the ability to imagine a community beyond the geographical and temporal limits of one’s immediate surroundings.⁹¹ Once people imagined themselves as part of a wider whole that spanned beyond time and geography, they conceived themselves as part of an ethnos. The Greek Cypriots for instance, imagine themselves as part of the Greek nation, tracing their roots back to Classical Greece, surpassing the fact that the Republic of Cyprus is an independent state recognised by the United Nations.⁹² The ability to imagine oneself as part of an ethnos was achievable, Anderson argues, through the mainstream availability of press. Anderson writes:

The convergence of capitalism and print technology on the fatal diversity of human language created the possibility of a new form of imagined community, which in its basic morphology set the state for the modern nation.⁹³

Once states acquired the ability to mass-produce written materials, they were able to spread their message and their myths across larger geographical areas and across time, giving to the proverb “verba volant, scripta manent” a renewed meaning. This enabled them to create national myths: idealised accounts of one’s country that transcended space and time, and served as means to create solidarity between those iden-

91. Benedict Anderson, *Imagined Communities: Reflections On The Origin And Spread Of Nationalism*, 2nd revised (London: Verso, 1991), esp ch. 3. Also, see Ernest Gellner, *Nations And Nationalism*, 2nd (Malden, Mass.: Blackwell, 1983).

92. United Nations, *Admission of new Members to the UN: Cyprus S/RES/155*, 24 August 1960.

93. Anderson, *Imagined Communities: Reflections On The Origin And Spread Of Nationalism*, 46.

tified as part of that imaginary community.

The term nation has evolved, and it can mean a civic rather than an ethnic nation. For the purposes of the discussion here, the term “nation” is used as short for “ethnic nation”. In cases like Cyprus, ethnicity underpins the conception of the nation, and ethnic identities are a source of political contestation. Moreover, in the Greek language, there is no solid distinction between the terms “ethnicity” and “nationality”. The Greek word is “ethnikotita”, which translates to “ethnic nation,” yet it has a double meaning depending on context: sometimes it means ethnicity, other times nationality. The 1960 constitution is explicitly based on ethnic identities: on “Greeks” and “Turks.” On the other hand, the state-issued identity cards and passports translate “nationality” to “ithageneia”, whose etymology is based on “ithagenis”, translated to “indigenous,” but actually meaning “citizenship”; it denotes the legal relationship between an individual and the state.

For the purposes of this thesis, nation is a series of identity markers that when used in conjunction classify someone as part of a group.⁹⁴ These markers include language, religion, attachment to land and to common historiographies. Ethnicity wasn't always a problematic term, for it used to serve two purposes: firstly to describe the political realities of a given time and secondly to enforce new paradigms that would shape those realities. Nationalism, as it emerged in the 17th century, did both. It enabled the Westphalian states to establish themselves as independent and coherent groups and at the same time to explain the international order following the Treaty. In the early stages of the contemporary international order, states were homogeneous, self-contained entities comprising of people that shared the same life-story.

94. As David Miller, *On Nationality* (Oxford: Clarendon Press, 1995), 19-21 argues nationalism and ethnicity are different concepts that more often than not are hard to distinguish. For my purposes, ethnicity and nationality are used interchangeably to refer to the association that shares some of the attributes referred to in the text. In cases where the ethnic- nation state differs from the civic nation, I will make a special note.

It made sense to talk about ethnic groups because national states tended to have only one ethnic group within their bounds. In the absence of a liberal mindset, the dominant majorities assimilated or destroyed minorities that were perceived a threat to the coherence of the whole. As argued above, ethnicity was used both to explain the international order and to enforce and empower the countries that comprised it.

An ethnic identity comes with heavy expectations that prior to the twentieth century countries and people were more likely to meet. Today, in the era of globalisation, transport and mass-communication, these realities are no longer there, whereas the expectations of ethnic belonging are, since ethnicity is still used as an identity marker that determines what political rights people belonging (or partially belonging) to a group have or should be entitled to.

Ethnicity is a thick identity. It is more aptly defined as an umbrella of identities with some more important than others, depending on the context within which it is discussed. In some cases the more prominent identity-marker within the bundle of ethnicity is religion, in other cases it is language, in others attachment to a piece of land, or even the experience of common hardships that moulded the group. Combinations of the above exist, and are infinite. What makes ethnicity a “thick identity marker”, besides the fact that it encapsulates an array of varying identities that each has different status and importance, is its exclusionary nature. Ethnicity is used to divide people and states from other states or groups, and to establish one or the other as the rightful authority over a geography or a group of people. This was a necessary – or an inevitable – reality before the existence of the intergovernmental institutions that facilitated international cooperation and peaceful coexistence (at least between the countries of the West), in the last part of the 20th century, and especially after the fall of the Soviet Union. Before the UN, EU, NATO, NAFTA and others, each nation had to assert its sovereignty, for it was not guaranteed and was constantly

perceived to be under threat. Ethnicity was used both to define those nation-states and to maintain them.

Living in a world where global initiatives are needed to ameliorate or compensate for the adverse effects of climate change, to defend against security threats and to tackle global health epidemics, an antagonistic way of defining collective identities is redundant. With global issues and global issue-based pressure groups, with people who identify more with remote people that they met through the internet, it is unrealistic to conceive national identities as something that form a coherent whole, as identities under an ethnic umbrella are expected to be.

In the 21st century people are not expected to have solidified identities that are immune to challenge or negotiation. Identities that are considered less important can be downgraded in one's list of individual identities, or can even be abandoned. This was not the case in earlier, non-liberal societies. One was expected to hold certain identities and if they decided to abandon them, then they were considered a threat to the overall community. Abandoning their religious identities significantly reduced their chances of a long life in the community. In the issue-based political cultures that individuals live in, they are considerably more likely to negotiate their identities and less likely to conform to social norms.⁹⁵ In Western societies identity-based conflict ranges beyond the ethnic identities, making the latter anachronistic.

Given the outdated nature of ethnicity, the liberal state has three ways of dealing with ethnic identities. The first and the less attractive one is to limit the notion of ethnicity to its bare essentials – to formalise it. The second, is to expand ethnicity in order to include additional contemporary identities. The third, which is supported in this thesis, is to abandon the notion of ethnicity altogether.

95. The most authoritative account of how individuals choose their political affiliations according to certain "valence issues" can be found in Donald E. Stokes, "Spatial Models of Party Competition," *The American Political Science Review* 57, no. 2 (1963): 368–377.

6.5.2 Should Ethnicity be Formalised?

The option for the deflation of ethnicity rests upon the formalisation and restriction of what is recognised by the state as an ethnic identity. This means that the state will determine what sort of identities form an ethnic group when they are grouped together. This is problematic because it does not explain how and on whose authority the state will legitimately decide which identities matter for a group. The only way for this option to be viable is to be restricted to a bare minimum content. Yet, the more ethnicity is restricted, the closer the concept goes to the third (preferred) option, which advocates the abolition of ethnicity as an identity that is worth yielding political rights. Thus, the restricted version of ethnicity collapses into a form of civic nationalism.

Nevertheless, the challenge of misrecognition remains, even under the formal, minimal version of understanding ethnicity. By assuming a uniform account of ethnicity, even one that is restricted to very minimal characteristics, groups that define their ethnic identities in different or additional terms from the formal definition, will still be subject to misrecognition. As such, this option is not attractive because it does not provide a solution to the initial problem, which is the avoidance of misrecognition and the false representation of cultures as homogeneous ethnic wholes whose members subscribe to a bundle of common identities.

6.5.3 Should Ethnicity be Expanded?

The alternative second option is to expand the concept of ethnicity in regards to both its content and its nature. This is problematic because it contradicts the very concept of ethnicity and reduces it to identity politics with a very thin basis, which again is very similar to the civic account of post-ethnic society that will be outlined in §6.5.4.

To expand what constitutes an ethnic group is to allow other identities to be considered as defining of a group. Identities like class, education, attitudes towards controversial subjects like abortion and so on. Identities that will enable people to still argue that “this is how we do things around here” in contemporary terms; going beyond religion, blood, land and history. By expanding the content of the concept of ethnicity a contemporary appeal is given to it. Nevertheless, the concept remains as conservative as it ever was, since it is still used to distinguish one group from the other and to depend upon uniformity and homogeneity.

The first problem is that it would be impossible for the state to identify groups, given the myriad ways by which identities can be added to them or constitute them, and therefore cannot distribute rights to them on the grounds of their ethnically-expanded identities. The second problem is one that derives from the first. If the state cannot grant rights based on the sum of these identities, then it does not have legitimate claims over the conduct of these groups; namely, it cannot scrutinise the affairs of those ethnically-expanded groups.

Leaving these two problems aside, another aspect of the ethnically-expanded model needs to be addressed. It has been argued that the expanded-ethnicity model should be extended in context, thus adding more identities to the list of what constitutes an ethnic whole, and also to expand in kind as well. By extending its nature, a renewed understanding of how social groups ought to behave and how to deal with descent is needed.

Expanding the nature of ethnicity is an attempt to save it from its conservative roots. It aims at creating an updated conception of ethnicity that understands modern individuals as bearers of various identities that might not be reconciled in the eyes of others, without assuming that they are not reconciled by those that bear them. This account conceives the individual as a multiple identities bearer that is

in a constant state of negotiating their own identities, trying constantly to reach a stable equilibrium of peace – or felicity as Rousseau called it – between the different identities that are deemed valuable by them. Living in an information-rich and diverse global society, individuals are constantly confronted with stimuli that cause the frequent re-evaluation of our pre-established beliefs.

Two things need to be crystallised about this process. Firstly, that it is not a completely rational process. Individuals might hold unjustifiable or irreconcilable beliefs simply because they are prejudiced or otherwise socially conditioned to do so, or might hold incompatible beliefs because of the great costs involved in engaging in a process of reconciliation. Secondly, that the costs involved are great indeed, which explains why people do not change opinions often. People change minds about beliefs held when the cost of the non-equilibrium is greater than the cost of examining and re-evaluating their earlier beliefs in light of the new stimuli. Thus, the reconciliation of contradictory beliefs only takes place when the cost of the non-reconciliation is higher than the (potentially) irrational status-quo.

Having given the two caveats above, the discussion of the extended-ethnicity model can be resumed. Once this model of identity-formation is accepted, it follows that individuals might hold views and identities that to us might seem irreconcilable, or even irrational. This might be because the individual has not tried to reconcile them, or that she tried but ended up with a different outcome than the one reached by other people, or that other people have acted irrationally in adopting these views because the opportunity cost of the pain involved would be too great to bear. A direct implication of this and the essence of the extended-ethnicity thesis is that not all members of the group hold exactly the same identities and by extension, the new conception of ethnicity is not exclusionary.

For a list of identities to be understood as non-exclusionary they need to be

conceived as part of a wider set of identities. To give a visual illustration, imagine that all views in the world are dots in a page. One person may connect a few dots together. Another person will connect other dots. In the cases where there is an overlap in the dots selected, then we might have a “group.” Not all people that are in a group have connected the same dots. Imagine that every person, once they draw a line over the dots that they deem important, then they put a circle over them. The larger the circle over a dot, the more important the identity depicted by that dot. Thus each person has a different collection of dots. An overlap of dots is what constitutes a group. At the same time each person selecting similar dots (but not identical) bestow different importance to them.

Once the identities that make up an ethnic whole are perceived as only a fraction of the identities that individuals hold, and that these individuals might not endorse all the identities that other people in the group hold, or even that individuals might have identities that other people find irreconcilable to the sum of identities that make up a group, then the conceptual basis for understanding the extended-ethnicity model is possible – a model that contradicts the previously discussed restricted ethnicity model that limits the concept of ethnicity to a minimal list of pre-determined identities.

The extended-ethnicity thesis is problematic because it goes so far off the traditional concept of ethnicity that makes it something completely different, or even irrelevant. It is irrelevant because under this model an amalgam of groups can be recognised, making it impossible to devise a principled mechanism for recognition or distribution of rights. In essence, what we get from the extended-ethnicity thesis is a realistic and accurate account of identities formation through social interaction. An implication of this account of multiple, overlapping identities that are open to frequent renegotiation is that there is no justification for maintaining a specific set

of these identities.

By sponsoring a set of identities, the state intervenes in this natural process, impeding the re-negotiation of identities. Some can consider this a form of harm, since it prohibits citizens from reaching a state of internal peace, which is produced from the equilibrium reached at the end of the negotiation of identities. The state should thus not be the maintainer of people's identities, but rather the maintainer of their ability to socialise with people that share similar identities as them. (e.g. with people that connect similar dots as them). The proposed conception of the state reduces the extended-ethnicity thesis to the model that will be presented below, which calls for the disassociation of the state from the recognition and/or maintenance of ethnic collectives.⁹⁶

6.5.4 Should Ethnicity be Abandoned?

The option preferred by this thesis is to abandon ethnicity altogether. The implication of this is that countries that use ethnicity as a way to define themselves, or as a way of classifying their citizens and distributing/allocating rights to them, will find themselves in a disadvantageous position. This is not a real problem though. People who endorse core liberal values accept the diversity of life-plans that exist in the society, along with the fact that different people have different conceptions of the good life.⁹⁷ Therefore, a liberal state can no longer legitimately dictate the attachments and loyalties of people, especially through the circulation of myths or exaggerated accounts of national achievements. It is no longer acceptable to conceptualise indi-

96. Note that by "disregard" and "adoption" I don't mean to restrict people from identifying as ethnic members or to prohibit the formation of ethnic attachments. By "disregard" I mean that the state should not use ethnicity as the basis for recognition and definitely not the basis upon which to decide the distribution of rights to groups.

97. The values referred to here are such that liberals of all strains endorse.

vidual identities as reflections of the idealised perceptions of a group. Today, in the era of globalisation, or in the era of the post-national state as Habermas depicts it,⁹⁸ the individual, who is an embodied and a contextually aware being, should be the original subject of analysis. The individual should define the group and not the other way around. An ethnic group was assumed to have certain traits and characteristics that were then used to define the individual. Today, individuals collectively organise around specific issues that often range beyond those relevant to the ethnos. To insist on the importance of ethnic belonging is banal.

Ethnicity should be replaced with a civic identity where loyalties lie with the constitutional essentials rather than with the collection of identities that make up an ethnic collective. The claim defended here is that the state should no longer be based upon, or sponsor, ethnic identities. Communities and groups that want to sustain their culture along ethnic lines should be free to do so, but the state should have nothing to do with them; no rights should be allocated on the basis of ethnic identification. Rights should be distributed according to individual identities that are considered valuable to a group of individuals. For instance, a group might make a linguistic claim – to ask for funds or for teachers in order to sustain their minority language that is under the threat of extinction – without the need to frame the issue in ethnic terms. A language is important to maintain in its own right; either as

98. Jürgen Habermas, *Notes on a post-secular society*, <http://www.signandsight.com/features/1714.html>, 2008; Jürgen Habermas, *The Postnational Constellation: Political Essays* (Cambridge, Mass.: MIT Press, 2001). For Habermas' view on multiculturalism see Jürgen Habermas, "Citizenship And National Identity: Some Reflections On The Future Of Europe," in *The Condition of Citizenship*, ed. Bart Van Steenberg (London: SAGE, 1994), 20–35; Jürgen Habermas, "Struggle For Recognition In The Democratic Constitutional State," in *Multiculturalism: Examining The Politics Of Recognition*, ed. Amy Gutmann (Princeton: Princeton University Press, 1994), 107–148; Jürgen Habermas, "Faith And Knowledge," in *The Future Of Human Nature* (Cambridge: Polity Press, 2003), 101–115; Jürgen Habermas, "Equal Treatment Of Cultures And The Limits Of Postmodern Liberalism," *The Journal of Political Philosophy* 13, no. 1 (2005): 1–28; Jürgen Habermas, "Religion In The Public Sphere," *European Journal of Philosophy* 14, no. 1 (2006): 1–25; Jürgen Habermas, "Religious Tolerance As Pacemaker For Cultural Rights," in *Between Naturalism and Religion* (Cambridge: Cambridge University Press, 2008), 251–270.

global heritage or as something that is important to a collective of people. The groups should not have to justify the maintenance of their language through reference to the added value bestowed upon the ethnic identity. The identities that make up ethnic collectives are important in their own right. There is no need for an argument that defends membership to an ethnic culture as something that enables individuals to live a good life, with language being a part of what makes an ethnic group a coherent community. Likewise, the religion of minority groups should be funded on the grounds of equality – provided that the state allocates resources for the sustenance of the religion of the dominant societal group – without needing an overarching justification of what religion offers to the group through an analysis of the contribution of religion to the ethnic whole and the latter's ability to provide a context-for-choice.

6.5.5 Civic Nationalism as the Evolution of Ethnic Nationalism

Civic nationalism was one of the three models of national belonging outlined in the beginning of this section as an example of how the traditional and problematic concept of ethnicity can be replaced. The traditional model was characterised as problematic because it gives a static and homogeneous account of community that suppresses diversity and dissent. It disregards the multiple identities of individuals and falsely assumes that everyone in a group shares the identities that define a nation. The two models that have been criticised were the extended-ethnicity model and the formal-ethnicity model. The former extends the list of identities that count towards defining an ethnic group, thus considering the fluidity and negotiation aspect of identity formation, and the latter restricts and formalises the identities conducive to an ethnic group in order to create a unified account of cultural belonging that can be generalised by being reduced to very basic identities. The weaknesses of both

models have been discussed and it has been demonstrated that, properly understood, they both collapse into civic nationalism.

Civic nationalism is often conceived as the alternative model to ethnic nationalism.⁹⁹ A better way to understand it is as the evolution of ethnic nationalism in light of the diversity of modern cultures. Whereas ethnic nationalism used the ethnically-based nation-state to enforce the values of the group that monopolised the state, civic nationalism denies the ethnic monopoly of the state and aspires towards the creation of a state that does not promote a certain ethnic group, or a certain collection of non-political values that the dominant ethnic group shares, upon the rest.

Civic nationalism is preferable to ethnic nationalism, especially for the case of Cyprus that has been discussed in this thesis, because it moves beyond the ethnically-based bicomunal constitutionalism and in favour of a multiculturally based constitution, which respects all the cultures within its bounds and does not discriminate in favour of the ethnic ones. In chapter 7 the practical implications of the application of this model in the negotiated constitution of the RoC will be discussed. In the remainder of this chapter, the merits of civic over ethnic nationalism will be outlined, in preparation for the action-guiding suggestions of chapter 7.¹⁰⁰

In an ethnically oriented nation-state the constitution is tailored to the needs of the dominant culture. It aspires to maintain the order between and promote the values of the dominant ethnic group. Even if the constitution is written in a neutral language, the institutions of the state that are founded upon it promote the values of the dominant group. Civic nationalism, as an alternative to ethnic nationalism,

99. This distinction is defended in Hans Kohn, *Nationalism, Its Meaning And History* (Princeton: D. Van Nostrand, 1965).

100. For a more detailed elaboration of the concept of civic patriotism, see Aleksandar Pavkovic and Peter Radan, *Creating New States: Theory And Practice Of Secession* (London: Ashgate, 2007).

is a concept that can underpin a political order through its foundational document – the constitution – that provides legitimacy to institutions under the overarching goal of maintaining order and democratic stability through a common attachment to institutions capable of maintaining the aforementioned – democracy and social stability – values.

A constitution in a polity organised around civic nationalism is supposed to be neutral. Absolute neutrality is unattainable, even if the best intentions are in place. A constitution should be neutral to the extent that it does not explicitly favour one culture over the other, and to the extent that it provides mechanisms for the accommodation of minority cultures. Civic nationalism does not rely on bundles of identities, like an *ethnos*; rather, it focuses on the constitution as a structure that allows people of conflicting world views to live a fulfilling free life under the same political authority – the state. Loyalty to the state is not loyalty to an *ethnos*, and the state is not bestowed with the task to maintain a specific ethnic conception of the good life. The soft formulation of this argument is that ethnicity is not conducive to the living-together of people with competing comprehensive doctrines. The hard formulation, and the one that elicits the support of this thesis, is that liberal pluralism cannot function if ethnicity lays at its core.

As interconnectedness becomes deeper, new localisms emerge that transcend geography and culture. If one does not acknowledge this, then they are not in position to truly understand the evolution of personal identities through the evolution of technology, and they risk the danger of imposing ethnicity as an important bundle of identities, even when it is not. If this mistake is made, then those interested in liberal pluralism run the risk of causing the problem they are trying to solve, which is how to enable people to pursue and maintain the identities that are conducive to their living a good life.

Civic nationalism is therefore the framework that ensures that these identities can be pursued within the institutions of a liberal country. The patriotic loyalties lie with the defence of institutions of the state that enable people to live free lives. This is counter to earlier times, where patriotism meant the defence of a certain way of life attached to a certain ethnic group.

6.5.6 Multinationalist Bias

One of the most important shortcomings of ethnic nationalism, illustrated through the case of Cypriot Latins which has been repeatedly mentioned in the course of this thesis, is that cultures that lack a motherland or an attachment to an imaginary community are treated as inferior to non-ethnic minorities. Whereas this is true, one should be wary of distinguishing between secular and multinationalist biases, as not to confuse the duties of the state towards non-ethnic minorities and towards religious groups. Civic nationalism, which is defended in this section and will be used to provide action-guidance for Cyprus in chapter 7. In arguing against the silencing of non-ethnic minorities, is not advocating for the upgrade of religious groups. The two types of groups, along with their claims, are separate, and should be treated as such.

Modood accused Kymlicka of having a secular and a multinationalist bias. The argument was that he favoured ethnic national cultures at the expense of religious groups and new-immigrant cultures. Modood is misguided on his first accusation. He has misunderstood the level of analysis of Kymlicka. He argued that religious leaders can also be civic leaders, under the proviso that they democratically represent their members. Nevertheless, Kymlicka is not interested in what kind of leaders – secular or religious – cultural groups should have, or even in what language

– secular or religious – they ought to express their demands. Kymlicka adopts Rawls’ earlier framework, so it is unfair to direct the “secularist bias” at him. Maybe the reason Modood considers him to have a secularist bias is because he does not recognise religious groups as legitimate claimants of multicultural rights.

Modood’s challenge fits better under the “multinationalist bias” criticism.¹⁰¹ Kymlicka does favour ethnic-national cultures. The most pressing problem with Kymlicka’s multinationalist bias is that it excludes cultures that lack a motherland. For instance, it excludes cultures that feature most of the characteristics of ethnic cultures except a motherland. These groups are often wrongly identified as religious groups and are excluded from the tripartite division of national minorities, immigrant groups and aboriginal peoples.

To have a culture with a common history, common attachment to land and a common religion that acts as the glue that holds the group together, does not make it a religious group. This is the reason Modood’s “secularist bias” critique is rejected. It is one thing to talk, for instance, about “the Muslims in the UK” and another to talk about cultures that have common history, geography *and* religion. The former’s claims are distinctively religious whereas the latter’s are multicultural. The distinction between non-ethnic national cultures and religious groups is highlighted in order to avoid the confusion of equating the two.

The distinction between religious and multicultural rights is by no means robust. In many cases the two are the same, or are interwoven. Sometimes political claims are made in religious language, and religious claims are expressed in political – secular – language. The reason this distinction is made is because in the former case of the Muslims in the UK (a group that has only religion as a point of reference – there are Muslims from all sorts of places, backgrounds and traditions) both the

101. Modood, *Multiculturalism: A Civic Idea*, 34.

issues and their demands differ from those of a cultural group with national characteristics.

A religious group whose sole uniting identity is religion will most likely make religiously-related demands, like asking for exceptions from general laws (e.g. for clothing, or from employment-related laws), for the recognition of the authority of religious courts for civil disputes, the ability to have their own religious schools and so on. On the other hand, a cultural group, even one that does not have a motherland, will make claims that go beyond the narrow confines of religion; it will ask for historical recognition where there was past injustice, for language rights, for the incorporation of their culture's history into the educational curriculum and so on.

Thus the discussion to be had in either case is different. The first is about religion in the public sphere and the institutions of the secular state. The other is the material discussed in Kymlicka's theory.¹⁰² A problem exists when a culture is an old-immigrant group, thus one that cannot be classified as a new-immigrant group, which nonetheless does not have ethnic attachments or a motherland, not being able to be classified as an ethno-national culture. In such cases, cultures are often mistakenly identified – recognised – as religious groups, denying them of the political rights afforded to national groups.

The case of the Latins in Cyprus is paradigmatic. They have been on the island since the Roman Empire, and they have a common history and common religion. In effect they are in no way different than the Turkish Cypriots that are recognised as a national minority. Their only difference is that the Turkish Cypriots have an

102. As I said before, by making the distinction between religious and cultural rights, I don't presume that the two are not interwoven, for the differentiation is not robust enough to warrant any absolutism on my behalf. Religious claims might be part of the demands made by a cultural group, and can be advanced on behalf of national minorities and immigrant groups. My interest is in those groups that are not recognised as national minorities and are not new-immigrant groups. The question that I explore here is what happens to those cultures that should be recognised as national, yet they are not, and they "downgraded" to religious groups.

ethnic attachment to Turkey, like the Greek Cypriots have an ethnic attachment to Greece and the Maronites to Lebanon. Therefore, Latins are (a) a minority group that features all the traits of a national group short of a motherland; and (b) a culture that whilst it defines their collective identity based on their religion, it nonetheless makes secular demands in secular language. Note that the Latins do not make ethnic claims and indeed wish to be relabelled as Catholics, a demand that is not accepted by the government of the Republic of Cyprus.

In Kymlicka's formulation, national cultures are ethno-national cultures and as such the ethnic element is central to the recognition of national cultures and to the distribution of cultural rights. Thus, in focusing on ethnic identities, Kymlicka's theory does not provide the means to recognise the Latins as a cultural group. They are not an ethnic national minority, neither are they a new immigrant group, nor aboriginal people. The only way to classify the Latins is to misrecognise them as a religious group and therefore silence their non-religious claims; like, for instance, the right of their children to be taught the history of their culture and religion at state schools, in the same way as the children of Greek-Cypriots are.

A further reason why it would be wrong to classify the Latins as a religious group is that many of their members associate with Latin culture without being religious – lapsed Catholics and atheists.

The case of the Latins illustrates the urgent need to detach the *ethnos* from our conception of nationhood, especially when it comes to the state. Latins are the most Cypriot of the cultures on the island because they are the only old-immigrant group on the island that has Cyprus as their motherland – having a sense of civic Cypriotism as part of their cultural identity – yet they cannot fit within Kymlicka's classification and cannot be recognised as a “national” culture, despite their historic presence on the island and their cultural characteristics.

If ethnicity acts as the basis for national belonging, we risk looking for attachments that are not there anymore, or that they never have been there to begin with. Ethnically-based cultural classifications cannot account for individuals that diverge from the collection of identities that are treated as essential for the existence of an ethnos, or, like in the case of Latinos, it cannot account for situations where groups may be making cultural claims that are being denied to them because they are missing a motherland.

Thus, ethnicity, which is central to Kymlicka's philosophy, is his Achilles' heel. Ethnicity is a concept for a different era. It is all-encompassing in such a way that cannot be foundational in a theory that tries to find ways of enabling people with different values and life-plans to live together. In the era of globalisation, the identities that collectively form "ethnicity" are not as powerful as they used to be. In Cyprus, for example, there is evidence to support that language is less of a barrier than it was fifty years ago, since now the literacy levels in English are higher. Fifty years ago one needed to know Greek or Turkish to function on the island. Now, as evident by the many British expats, one can live life on the island with speaking only English. This is central in the reconciliation process since Greek and Turkish Cypriots can communicate easily, thus eliminating one of the barriers that differentiated them and kept them apart. The same logic can be applied to religion: although religion is part of what makes an ethnic group, people are less likely to be religious today compared to fifty years ago. When talking about ethnicity holistically one cannot account for these variations and it makes it hard to understand the interaction amongst cultures and hard to quantify the progress or locate the main points of contestation.

The alternative is to identify the individual as a bearer of multiple identities that transcend those of the ethnic bundle. Individuals form non-ethnic associations that might be worth preserving by the state. To realise that cultures differ from each

other and that their value does not depend on whether they exhibit the traits required by the ethnicity-bundle. For these reasons, the state must be based around civic, not ethnic, identities. Not around blood and lineage but rather on values, which are upheld in the constitution that provides the context for the institutions of the state.

Michael Ignatieff gives the example of Britain as a country where nationhood is defined across civic, not ethnic, terms; around the parliament and the rule of law. As he explains “civic nationalism maintains that the nation should be composed of all those – regardless of color, creed, gender, language, ethnicity – who subscribe to the nation’s political creed.” Thus civic nationalism is “a community of equal, rights-bearing citizens, united in patriotic attachment to a shared set of political practices and values”. On the other hand, ethnic nationalism is centred on the idea that “an individual’s deepest attachments are inherited, not chosen,” with the national community being the one that defines the individual and not the other way around.¹⁰³

Rights under the model of civic nationalism are granted based on the guiding (liberal) principles upheld in the constitution. Underlying this view is that no ethnic culture is inherently important – rights to cultural groups are afforded to them because of principles endorsed – and not because of an inherent value of the ethnic bundle.

In refusing to recognise ethnicity as an identity relevant to the state, the need for maintaining fixed and essentialist notions of culture fades. Individuals will no longer be oppressed in the name of their culture, or at least they will be to a lesser extent. A further benefit of this model is that it encourages the flourishing of more organic associations. It extends beyond culture; it treats culture as an identity not distinct from others, allowing for other personal identities to potentially become

103. Michael Ignatieff, *Blood And Belonging: Journeys Into The New Nationalism* (New York: Straus / Giroux, 1995), 3-5.

sources of differential treatment. This enables the reflection back to the beginning of this chapter, where the view that culture is special for providing a context-of-choice was refuted.

Chapter 7

From Bicomunalism to Multicultural Constitutionalism

This chapter builds upon the model of civic nationalism presented in chapter 6. It adopts the modifications to Kymlicka's MC defended throughout the thesis and considers how the new theory can be applied to Cyprus. To this end, the purpose of the chapter is to explain how bicomunal constitutionalism can be replaced with multicultural citizenship, providing a discussion on how to overcome the most immediate obstacles. It provides insights into how to disassociate ethnicity from nationality in the context of Cyprus; how to ease the concerns of those opposing a federal solution or a solution which affords territorial rights to minority cultures; and finally, how to modify and enhance the effectiveness of the involvement of Intergovernmental Organisations in the process of reaching a comprehensive solution to the Cyprus problem based on a constitution grounded on the values of liberal multiculturalism.

7.1 Civic and Ethnocultural Conceptions of GCs

In §6.1 various definitions of culture were presented, where theorists urged caution against homogenising conceptions of cultural belonging. In the case of Cyprus one must distinguish between the dual-meaning and usage of dominant cultural identities. The identity and label of the Greek Cypriot can have two completely different meanings: there is a constitutional (civic) definition and a cultural definition. The civic definition is that which is found in the 1960 constitution of the Republic of Cyprus, where a GC is a member of the Greek national group. Nevertheless, the civic definition of being a Greek Cypriot includes Armenians, Latins and Maronites, who “chose” to join the GC ethnic group back in 1959, only months before the introduction of the new constitution, as well as recently naturalised third country nationals. As such, to be a GC in the civic sense does not mean being a member of a historical association based on a common sense of belonging to a community of fate, religion, lineage, language and customs. Rather, it means being a member of a civic group dominated by a specific cultural group. By being a member of this constitutionally-recognised collective, the groups whose culture is different from the civic definition, are subject to assimilation because their own culture is not recognised. The civic definition therefore is: the constitutional recognition of a collective that identifies based on the values of the dominant group of a country, but whose membership spans beyond the cultural natives of that dominant group; people from different (minority) cultures are assimilated to it – they are identified as members of the dominant culture and in doing so are denied their native cultural identity.

The civic conception of culture is able to accommodate more members than the alternative, ethnic “cultural” conception, which forms the core of the civic identity, since the former provides the values upon which the latter is based. The cul-

tural conception relies upon ethnicity as its determinant of identity and as such, it is less welcoming and more exclusionary than the civic conception, since it can only accommodate people who are born into the culture. The cultural definition includes the members of one imaginary community – in the case of the Greek Cypriots it includes those members who are being identified as part of the Greek ethnos.¹ The agency of the individual members has little relevance. One cannot cease being a Greek Cypriot; membership to an ethnic culture is a blood bond rather than a product of voluntary decision-making. Individuals need not espouse the bundle of identities that make up the ethnic whole in order for them to be considered rightful members of that culture – blood is enough. For instance, one can be a Greek Cypriot whilst being an Atheist, thus diverging from the ethnic definition of Greeks as Christian Orthodox; or one can be a GC without speaking the Cypriot dialect of the Greek language, like the children of expats, which are nonetheless considered members of the GC culture.

As it was pointed out in §6.1 during the application of the *Reciprocal Model* to the various conceptions of culture found in the literature, essentialised and homogenising conceptions of culture must be avoided. In the case of Cyprus it is of utmost importance to understand that the identity of the “Greek Cypriot” can have a dual meaning, describing two different groups of people. The civic definition includes the members of the Greek ethnic group but goes beyond it to include the post-1959 new recruits – Maronites, Latins, Armenians – whilst at the same time promoting the values, customs and history of the ethnic group. It would therefore be a mistake to assume that there is a uniform culture of Greeks Cypriots, conceived as a solidified and homogenous group whose values must be guaranteed by the state.

1. It is important to distinguish between self-identification and being identified by others as belonging to an ethnic group.

Only when the dual meaning of being a Greek Cypriot is grasped, will one be able to proceed and question whether it is desirable, or even politically legitimate, to apply and reinforce the dominance of the ethnic identity upon the members of the civic group. Thus, in the first instance, when one reflects on the case of Cyprus, one must distinguish between ethnic and civic conceptions of national cultures, which are then to be distinguished from the individual cultural allegiances, or lack thereof, of their members. In Cyprus, the dominant narrative on both sides of the divide is to refute the fact that the cultural distinctions established and institutionalised with the 1960 constitution resulted in the assimilation of people whose ethnic identities diverge from the two constitutionally-recognised ones, or of people who do not perceive themselves as members of either cultural group. This dominant perspective has survived throughout the second half of the 20th century, and has found its way into all the solution plans (constitutions) negotiated since then. All the constitutional solutions to the Cyprus problem treat the two cultures as exceptional by granting them more rights than the rest, allowing for the gradual extinction through assimilation of those cultures that are civically-classified as members of the GC, but are nonetheless cultural members of other associations, and therefore not members of the Greek ethnic group.

7.2 *Bi in Bizonal, Bicommunal, Federation*

Once the dual conception of Greek Cypriot culture is deciphered, then one must proceed to understand the process of misrecognition that took place, which has been elaborated upon in chapters 5 and 6. Non-dominant minorities have experienced their ethnic, religious and linguistic identities being denied to them in the name of their membership to the Greek Cypriot culture. This is what has been described

as the process of misrecognition (§6.2), where the initial classification of a cultural group conditions the demands that the group is entitled to make. Such acts of misrecognition have been legitimised with the 1960 bicommunally-organised constitution, and perpetuated in all the subsequent solution plans. Thus, the constitutional model negotiated since then, called the Bizonal Bicommunal Federation (BBF), is open to challenge on the grounds that it suppresses cultural diversity through misrecognition and cultural assimilation.

Bizonality is one of the more controversial aspects of the negotiated constitutional model, because it grants each culture specific rights over land. The geographical area of Cyprus, both north and south, will be divided into two parts of different sizes, where each ethnic group will preside over. The opponents of bizonality, like the Social Democratic EDEK, claim that the concept of bizonality is original to Cyprus, since it has no precedence of application in any other country.² Nevertheless, bizonality is another form of territorial rights, similar to those found in Australia, where certain indigenous populations retain rights over specific pieces of land. More specifically, in Australia 417,318 square kilometres of Aboriginal freehold land are regulated by Land Councils under the Aboriginal Land Rights Act of 1976.³

The arguments against bizonality are often defended on anti-prejudice grounds: that it is prejudiced to restrict the right of movement of people, but they rest on false premises because they misunderstand the nature of the territorial rights in question: freedom of movement is not curtailed, people will still be able to move and live in the zones controlled by the other ethnic group, the only difference is that local governance will be up to the other dominant national group.

2. Nicos Trimikliniotis, "Pro Annan V: Rethinking the Un-Viability of the Constitutional Arrangement," in *Reunifying Cyprus: The Annan Plan and Beyond*, ed. Andrekos Varnava Faustmann and Hubert (London: Tauris, 2009), 112–127.

3. Central Land Council, *The Aboriginal Land Rights (Northern Territory) Act*, <http://www.clc.org.au/articles/cat/land-rights-act/>, 1976.

The rejection of bizonality is often intertwined with a rejection of federalism altogether. To reject a federal solution to the Cyprus problem is not often part of the public discourse in Cyprus. It is something only featured among the supporters of the far-right. Supporters of the mainstream political parties, who are critical of a federal solution, often displace their discontent of federalism through the rejection of bizonality, although in essence they reject the latter. The most popular criticism that they level against it, again in the name of anti-prejudice, is that it is discriminatory to violate the premise of “one (hu)man one vote.”⁴ Nevertheless, balanced voting is a defining feature of many federal constitutions, used to protect the interests of minority cultures. The most popular example of this can be seen in the United States, where the weight of individual votes depends on the size of that state.

Irrespective of the popular discourse around the type of the negotiated constitution, certain aspects of BBF cannot be dispersed.⁵ The TCs would hardly concede to a solution that lacked the following three attributes: self-governmental rights in a federal state, territorial rights in that state, and Turkey as a guarantor of the security of that state.⁶ It is important to understand that the TCs, in almost an identical

4. Neophytos Loizides, “The Cyprus Negotiations And “The One Person-One Vote Principle”: Examples Of Divergence From Democratic Federations,” *Memo Prepared For Policymakers And Journalists Interested In Comparative Examples Of Elections And Federalism*, 2010, Gavin Moore, “Federalism And The “One-Person One-Vote Principle”: Political Accommodation In Cyprus And The Annan Plan,” *Federal Governance* 8, no. 2 (2011): 29–41.

5. The public opinion towards Bizonal Bicomunal Federation is ambivalent. The report issued based on the *Cyprus 2015* opinion polls write: “As for the agreed basis of negotiations between the two leaders – namely that the settlement should constitute ‘a Bizonal Bicomunal Federation with Political Equality, as agreed in UN Security Council Resolutions, with two constituent states of equal status and a single international personality, sovereignty and citizenship’ – both communities are expressing ambivalence without rejecting it outright. The skeptic contingent is somewhat stronger in the Greek Cypriot community, while in both communities ‘moderate support’ of the framework is a more frequent condition than ‘strong support.’” See Interpeace and Cyprus 2015 Initiative, *Solving the Cyprus Problem: Hopes and Fears*, <http://www.seedsofpeace.eu/research/cyprus-peace-process/reports/item/37-solving-the-cyprus-problem-hopes-and-fears>, 2011, 13.

6. According to the 2009 opinion polls conducted by *Cyprus 2015* 79% of Turkish Cypriots require Turkey as one of the guarantor powers [...] “The European Union or the United Nations Security Council as guarantors would be tolerable to both communities, although this does not resolve the incongruence over Turkey’s role as guarantor.” See Cyprus 2015, *Research and Dialogue for a Sustainable*

way as the GCs, have experienced the construction of their national identity in opposition to “the other” – through nation building and competing historiographies. At the same, the non-dominant minority cultures were assimilated through misrecognition and forced membership to one of the two constitutionally exceptional cultural groups. The challenge that a theory of MC needs to tackle is how to find the balance between the security-related concerns of the main groups (GCs and TCs), whilst compensating the non-dominant minorities for the costs imposed upon them through their constitutional misrecognition.

To resolve these challenges the role of the intergovernmental institutions involved in the process of finding a comprehensive solution to the Cyprus problem need to be reconsidered, as well as the currently-negotiated constitutional model, the Bizonal Bicomunal Federation.

Starting with the latter, the reasons why a federal solution is the only type of constitution likely to be accepted by all the national groups of the island, requires little discussion – it is the only model likely to be accepted by both sides.

“Greek Cypriots favor a unitary state over other alternatives. Federation is a distant second, but still acceptable to a majority of the population. A continuation of the status quo is seen as unacceptable by the majority of population. [...] Turkish Cypriots favor two states, but are prepared to accept federation as a compromise. Continuation of the status quo is also a tolerable option to Turkish Cypriots.”⁷

The opposite model, that of a unitary state, cannot ease the security-concerns of the TCs and given the post-violent climate, it stands to reason that a federal solution

Future, <http://www.interpeace.org/2011-08-08-15-19-20/latest-news/2009/118-dialogue-urgently-needed-for-cyprus-future>, 18 December 2009.

7. Interpeace and Cyprus 2015 Initiative, *Solving the Cyprus Problem: Hopes and Fears*, 19.

with territorial rights to the two dominant groups whose identities are competing, is the only constitutional model likely to be accepted, and most importantly, the only likely to be functional and able to provide a structure that promotes the peaceful co-existence of the two peoples. What must be reconsidered is not the federal basis of the negotiated constitution, but rather its binary character. This view is one that is almost never articulated in the discourse of the Cyprus problem, even though it is clearly the source of much conflict. The emphasis is usually placed on whether the future state should be federal or not, and whether the minority TC culture should have territorial rights in the form of political control over a zone. Instead, the emphasis should shift towards the binary application of those two constitutional provisions, which exclude the rest of the national cultures of the island.⁸

In revising the “Bi” in “Bizonal, Bicomunal, Federation,” one must consider what rights must be extended to the members of the non-dominant minorities of the island, in order to compensate them for their historically unjust treatment. This view has the implication that Armenians, Latins, Maronites and Roma as citizens of the Republic of Cyprus, can rightfully advance claims for self-governmental and territorial rights, in the same way as the TCs do. An argument against this implication is the impracticability objection: that it would be politically messy in terms of governmentality, and invariably costly in terms of application, to provide self-governmental and territorial rights to all the national minorities on the island.⁹ Although the view that it would be impossible to extend (some of) the rights that the TCs will be afforded

8. According to Cyprus 2015, *Research and Dialogue for a Sustainable Future* “Not all the principles agreed on by the two leaders as the basis for negotiations have been accepted by the grass-roots of each community. Greek Cypriots still remain ambivalent about the agreed principles of bizonality and the notion that there will be two constituent states of equal status. Turkish Cypriots still remain ambivalent about the agreed principles of a single international personality, sovereignty and citizenship.”

9. Note that besides the Turkish Cypriots no other ethnic community claims territorial rights in Cyprus.

in future constitutions to non-dominant minorities has merit, there is no evidence to support it because it has never been seriously considered. In any case, the devolution of powers to, for example, the local councils of Maronites is not something that would be either terribly costly or grossly impractical. It is not the academic who must decide what rights must be granted to minorities. It is the minorities themselves that are burdened with the task of articulating their demands. Thus, until a process is established where minorities, under full knowledge of their options, can securely articulate their demands, one cannot know what those might be.

A central argument defended throughout this thesis was that a process of internationally-facilitated recognition of minority cultures can be particularly conducive to the process of the communication of the demands of minority cultures, and that it is necessary for the creation of a new negotiating framework for the constitution of Cyprus. In order to compensate for the historical injustice of misrecognition, the exclusion and assimilation that minority cultures have experienced through the binary nature of the constitution need to be mitigated. A new constitution, one that is based on multicultural rather than bicommunal constitutionalism must be established; one that includes all cultures in the debate, and guarantees their equal standing within it. To this day, the members of non-dominant minority cultures are considered part of the GC civic group, and thus denied part of their cultural identity. In order to overcome this political and cultural deadlock, an external authority is needed to facilitate the process of their recognition – one that must underpin any future deliberation between members of majority and minority cultures.

7.3 Intergovernmental Organisations and the Cyprus Problem

The round of negotiations that started in 2014, like the ones before it, is facilitated by the United Nations, who provide their “good offices” through the office of their representative in Cyprus.¹⁰ The UN have an advisory role, which means that they cannot force or enforce any decision; it is up to the constitutive sides to reach an agreement. Nevertheless, the UN are those with the expert knowledge, responsible for drafting and facilitating the negotiation for the new constitution – they therefore bear part of the responsibility for the constitutional marginalisation of non-dominant minority groups.

The European Union is also involved in the negotiations, albeit through a less hands-on approach in comparison to the UN; one that nonetheless spans multiple domains. The European Commission releases the Annual Enlargement Package, which includes strategy and progress reports for each country. A lot of political weight is put in those reports, since they decide whether additional requirements will be imposed on the accession criteria of states that aspire to join the Union. As such, the EU has the ability – and does exercise it – to put pressure on Turkey through its Annual Progress Report. Similarly, the European Commission can exercise pressure on the leadership of the Turkish Cypriot community. The EC wants to facilitate the solution to the Cyprus problem through a comprehensive settlement that will be based on Bizonal Bicomunal Federation. Therefore it has set up a Directorate-general for Enlargement which has, in turn, set up a “task force for the Turkish Cypriot Community,” that runs a Programme Support Office (EUPSO) in

10. Kofi Annan, *The Comprehensive Settlement of the Cyprus Problem*, Secretary General of the United Nations, 31 March 2004; United Nations, *Security Council Resolution 186*, 4 March 1964; United Nations, *Security Council Resolution 367*, 12 March 1975.

north Cyprus.¹¹ The Aid provided by the EU through EUPSO aims to facilitate the “social and economic development of northern Cyprus,” to “develop and refurbish its infrastructure,” to support civil society in creating initiatives for reconciliation and to prepare the post-solution implementation of EU law. The Aid programme was established in 2006 after regulation 389/2006, and it had an initial life-span of five years, but it was extended from 2011 onwards with an additional €28 million annually, in support of “the on-going UN process.” Thus the TC leadership has a very good monetary incentive to abide by the Commission’s guidance, and Turkey – through the Progress Report and because of the fact that in absence of the EUPSO Aid given to the TC, the gap in TRNC’s balance of payments would have to be filled by the Turkish state, which finances the regime in the north¹² – is also incentivised towards finding a comprehensive settlement to the Cyprus problem.

That being said, the European Court of Auditors examined the “EU Assistance to the Turkish Cypriot Community” to assess whether the Commission met its objectives. It audited one third of budget allocations between 2006 and 2011 (€97.5 million) and issued an unfavourable report, which read:

The programme has assisted a great number of different beneficiaries across the TCc and some important results have already been achieved. However, the construction of a seawater desalination plant, which is the programme’s largest project (€27.5 million), ended in failure. More generally, the sustainability of projects is often in doubt.¹³

The Republic of Cyprus, on the other hand, is already bound to the EU as all

11. European Commission, *Aid Programme For The Turkish Cypriot Community*, http://ec.europa.eu/enlargement/tenders/aid-programme-tcc/index_en.htm, 4 December 2013.

12. Turkey has already imposed austerity measures upon TRNC. See Umut Bozkurt, “Turkey: From the ‘Motherland’ to the ‘IMF of Northern Cyprus?’,” *Cyprus Review* 26, no. 2 (2014): 63–105.

13. European Commission, *Special report: EU Assistance to the Turkish Cypriot Community (ECA/12/22)*, http://europa.eu/rapid/press-release_ECA-12-22_en.htm, 23 May 2012.

member-states are, and as such it is also incentivised for cooperation on finding a solution to the problem. Since March 25th, 2013, the RoC has an additional motivation to seek a solution. A solution to the Cyprus problem would be beneficial to the economy, and given that the RoC is under a Memorandum of Understanding with the Troika (European Central Bank, European Commission and International Monetary Fund)¹⁴ it is in dire need of political initiatives that will have financially beneficial outcomes for the country's economy.

Nevertheless, the public attitudes towards the EU and the UN are low amongst both the Greek- and Turkish-Cypriots. According to the latest Eurobarometer data, 86% of the Greek Cypriots believe that their voice does not count in the EU. 77% of GCs believe that their voice does not count in Cyprus either. 52% of Greek Cypriots are against the Euro and only 46% believe that they are citizens of the EU. The Eurobarometer results for the TC community show that 57% of TCs answered that they trust the EU and 49% have a "total positive" image of it. Trust towards the UN was slightly lower at 47%.¹⁵

The authority of the EU and the UN is deliberately interwoven. The objectives of the UN and the EU in relation to the Cyprus problem are the same, and they are supported both materially and practically – the Aid and Grants of the EU, the good services of the UN in Cyprus, and the EU's role as a guarantor for the success of the new constitution. Furthermore, the UN Security Council's Resolutions and the case law of the European Court of Human Rights pertaining to Cyprus are used as political assets by both sides – thus the resolutions, ruling and reports issued by the two intergovernmental institutions can easily shift the balance of power

14. International Monetary Fund, *Cyprus: Letter of Intent, Memorandum of Economic and Financial Policies, and Technical Memorandum of Understanding*, <http://www.imf.org/External/NP/LOI/2013/CYP/120413.pdf>, 4 December 2013.

15. European Commission, *Eurobarometer 80: Public Opinion in the European Union*, http://ec.europa.eu/public_opinion/archives/eb/eb80/eb80_en.htm, Autumn 2013.

between the two communities. A recent example that followed the rejection of the 2004 constitution drafted by the office of the Secretary-General of the UN Kofi Annan (called, unimaginatively, “the Annan Plan”)¹⁶ by the Greek Cypriots, has been the creation of the Immovable Property Commission, where the ECtHR ruled that a new court would be set up in north Cyprus to resolve property disputes related to GC properties in northern Cyprus.¹⁷ The creation of IPC has shifted the balance of power between the two sides considerably, because it was the first EU-sanctioned institution established in the internationally unrecognised TRNC. Whereas the GC political elites maintain that taking a case to the IPC means recognising TRNC, the ECtHR clarified that the IPC does not constitute a recognition of the state in the north, for it is placed under the authority of Turkey and not TRNC.

The opinion polls paint a bleak picture of the UN and EU. There is consensus of distrust towards the EU and the UN by both GCs and TCs, which is featured consistently across different surveys. Nevertheless, the negative consensus can be justified – the Annan Plan was rejected, all attempts for reunification since then have failed, and both states have been subject to severe austerity measures. In December 2014 the only positive aspects in relation to the EU and the UN are that there is an institutional presence of the European Union in the north, and that the president of the RoC, as well as the majority of the political elite in the south, are pro-European and pro-Western, thus leaving open the prospect of future enhancement to the role and mandate of the UN and the EU.

The success of the model presented in chapters 6 and 7 relies upon a positive consensus on the involvement of IOs in the process of reaching a comprehensive solution of the Cyprus problem. Regardless of the current negative attitudes towards

16. Annan, *The Comprehensive Settlement of the Cyprus Problem*.

17. European Court of Human Rights, *Judgement: Case Of Xenides-Arestis v. Turkey (Application No. 46347/99)*, 7 December 2006.

the UN and EU, neither side's sovereignty will be jeopardised or eroded if the EU or UN promote a multiculturally- rather than bicommunally-driven constitution for Cyprus, and therefore it would be easier for their respective elites and civil society activists to promote the reformed role of the two IOs. It is less a matter of transference of power from the domestic to the international, and more an issue of revision of the existing involvement of these intergovernmental institutions to the Cyprus problem; to revise their involvement in order to make sure that it is in accordance and compatible with the Lisbon Treaty and the Charter of the UN, which both explicitly uphold the respect of diversity. It would require that the EU or the UN provide arbitration for the deliberation over the rights of minority cultures, making sure that cultures are not denied rights because their cultural identities are ignored or misrepresented. As such, the involvement of these institutions would be constrained to the classification of these institutions rather than to their day-to-day claims.

7.4 From Bicommunal Constitutionalism to Multicultural Citizenship

Another issue defended in chapter 6, was the abolition of ethnicity as a determinant for the distribution of rights under a liberal and democratic institution. The issue of abolishing ethnicity for the purposes of civic identities is related to both the first challenge to the exclusionary nature of bicommunal constitutionalism, and the second challenge about the need for the realignment and revision of the current involvement of intergovernmental institutions in the process of negotiations for the new constitution of Cyprus.

In addressing the proposition that ethnicity becomes irrelevant to the classifi-

cation and distribution of group-rights to cultural associations, one needs to envision and conceptually grasp how a constitution based on multicultural citizenship can replace the currently-negotiated one, which is wrongly based on ethnically-driven bicommunal exceptionalism.

In §6.5, three different ways were discussed to accommodate ethnic identities within a liberal state. The two which were subsequently rejected, respectively discussed the expansion of the constitutive identities that make up the ethnic bundle of identities (§6.5.3), or the restriction and formalisation of those identities (§6.5.2). Instead, it was suggested that ethnic identities become irrelevant for the eyes of the liberal state (§6.5.4). This argument can be challenged on the grounds that it leads to the misrecognition of ethnic cultures who will be denied their ethnic identities.

To address this concern, it is necessary to elaborate on how a state would look if the ethnic identities of the cultures within it were not treated as relevant. How would a new constitution in Cyprus work, if civic classification were not based on the binary division of Greek and Turkish ethnic members? Firstly, the most important differentiation between the existing bicommunal constitution and the proposed multicultural constitutional system for Cyprus, is that the former's objective is the peaceful coexistence of the two cultures under a constitution that ensures the survival of the ethnic identities of both communities, whereas the latter aims at maintaining the values of political liberalism, which were not available in the late 1950s when the original constitution of the Republic of Cyprus was drafted. The difference between an ethnically-grounded and a value-grounded constitution is that the former is static – it recognises specific cultures and allocates specific rights to them – whereas the latter is dynamic – it is able to accommodate the social, cultural and technological evolution of the context that the constitution regulates.

By disassociating the umbrella identity of ethnicity from the constitution, the

biggest challenge becomes how to distinguish cultures from each other. Looking back to §6.1.1, on the section on conceptualising culture, the work of Anne Phillips becomes relevant. The combination of her two books *Which Equalities Matter?* and *Multiculturalism without Culture* can guide the disassociation of ethnicity and constitutional essentials.¹⁸ To achieve this objective, cultural identities must be treated in the same ways as gender, sexual, class and other identities are treated. As such, the constitutive identities of an ethnic whole must be divided into their individual parts. For instance, history, religion, language, land ownership, should all be detached from each other and treated differently. Most importantly, none of these identities should be treated as superior to the other identities that people bear, to avoid the ethno-nationalist bias that Kymlicka has been accused of having embedded in his theory. In this formulation then, the individual is a bearer of various identities, which should be afforded equal consideration by the state.

The challenge of switching to a multiculturally rather than a bicommunally oriented constitution, one that is grounded on the values of liberal pluralism rather than on the objective of facilitating the ethnic survival and constitutional exceptionalism of the two dominant cultures, is that it requires the coordination of all constitutive parts – the two dominant majority and minority cultures, the non-dominant minority cultures, the two motherlands, and most importantly, the UN and the EU which are the intergovernmental institutions that indirectly steer the negotiation process between the Greek- and Turkish-Cypriots. Their role is of utmost importance because they are the guarantors of security on the island. It is therefore up to them to promote the constitutional alternative defended in this thesis on the merits of its potential to overcome the deadlock of the post-Annan Plan period, and in par-

18. Anne Phillips, *Which Equalities Matter?* (Cambridge: Polity Press, 1999); Anne Phillips, *Multiculturalism Without Culture* (Oxford: Princeton University Press, 2007).

ticular, to help resume the round of negotiations that begun in February 2014 after the joint statement agreed between Mr Anastasiades and Dr Eroğlu. The aforementioned round of negotiations is currently suspended after Mr Anastasiades pulled out of the talks on October 7th, 2014, on the grounds that Turkey is violating Cyprus' Exclusive Economic Zone.¹⁹ Even before the violations of Turkey, the two leaders disagreed on the foundational characteristics of the constitutional model (BBF) negotiated. This stalemate is based on the same issues that are unresolved since the late 1970s when BBF was first introduced.

The role of the local representatives of Civil Society Organisations (CSOs) and of the political elites is imperative in this process because it is up to them to lobby and steer the public opinion towards reversing the negative societal attitudes in favour of the EU and the UN. In absence of a domestic momentum, the EU and the UN will not be able to assume the enhanced role advocated in this thesis and necessary for the application of the civic national model of multicultural citizenship. The opinion polls on CSO representatives are encouraging. The latest research on CSO representatives was conducted by Ilke Dağlı, who collected data based on surveys during August 18th and October 8th, 2014. Dağlı's results show that both GC and TC representatives hold views favourable towards the EU and the UN, and that they have less pronounced notions of ethnic awareness compared to the rest of the population. The aspiration is that they will manage to reverse the negative sentiments in the society, which are a product of the post-2004 stalemate in the negotiations and the austerity measures of Troika and Turkey, thus creating a local momentum for the enhanced role of IOs in the process of the negotiations.

The role of political elites is also crucial in this process. The differences be-

19. Jean Christou, *Anastasiades pulls out of talks*, <http://cyprus-mail.com/2014/10/07/cyprus-talks-suspended/>, 7 October 2014.

tween GC and TC elites are worth noting, because contrary to CSO representatives, Greek- and Turkish-Cypriot political elites hold different views on the EU and the UN. Whereas the majority of the GC political elite – and most importantly, the ruling party – is favourably inclined towards the involvement of the EU and the UN in the process of the negotiations,²⁰ this is not the case in the north as the leader Dervis Eroğlu has, following Turkey's Erdoğan, repeatedly accused the EU institutions of bias in favour of the GCs. On the other hand, the civil society in the north is very active, especially compared to its GC equivalent, and has more potential to reverse the public sentiments, possibly enough to outweigh the elite-driven distrust towards the EU and the UN.²¹

The alternative model presented in this thesis has the potential to overcome the deadlock and reignite the negotiation process, thus avoiding the eventual parti-

20. The ruling party, DISY, is pro-European and both the president of the RoC and the president of the party have repeatedly expressed their eagerness for the additional involvement of the EU in the negotiations for the solution to the Cyprus problem. The second larger party, AKEL, although a self-proclaimed communist party, does not follow the mainstream euroscepticism of the parties in its European parliamentary group. Even though AKEL supports a Cypriocentric solution – a solution between the two sides, without interference from the IOs and the motherlands – it nevertheless witnessed the collapse of the talks between Talat and Christofias. Therefore, given the pro-unification outlook of the party, it would not be unreasonable for them to support the enhanced role of the EU and the UN if that would likely result in a solution. In the majority of cases regarding the Cyprus problem, AKEL is in agreement with the ruling DISY, despite the two being ideological opponents. Besides DISY and AKEL, the smaller parties, like the Social Democratic EDEK, the centrist DIKO, and the Alliance of Citizens, hold more hardcore views on the Cyprus problem and are likely to oppose the enhancement of the role of the UN and the EU. There are two possible ways to deal with them. The first is to acknowledge that they are expressing the opinions of the minority and that they will be politically outweighed by AKEL and DISY. The second is to try and ease their security worries. Their attitudes towards the involvement of the EU and the UN are rather complicated. On the one hand, they are sceptical towards international efforts for the solution to the Cyprus problem – IOs should only facilitate the process, and any international meeting should have an agenda limited to the international aspect of the Cyprus problem. On the other hand, their political rhetoric is based on the Security Council Resolutions, the unfavourable Annual Reports of the Commission on Turkey, and the favourable rulings of the ECtHR, all used to justify their hard line on the Cyprus problem. Therefore, it would not be impossible for them to accept – or at least not adamantly oppose – the enhanced role of the aforementioned IOs, provided that some guarantees are given and that their security worries are addressed.

21. George Kyris, "Europeanization beyond Contested Statehood: The European Union and Turkish-Cypriot Civil Society," *Journal of Common Market Studies* 51, no. 5 (2013): 866–883.

tion of Cyprus, reinforced every day under the current status quo.

Chapter 8

Conclusion

This thesis contributes to three primary domains of research – the theorisation of multicultural citizenship, the methodology of political theory, and the case of Cyprus. It also makes secondary contributions to International Relations and Security Studies, through the development of a multicultural model that can be exported to post-violent conflict cases beyond Cyprus.

Exporting multicultural citizenship is challenging because the dominant theories are developed as a response to specific problems found in the multicultural countries of the West. They respond to the challenges found in the UK, USA, Australia, Canada, France and Germany, and as such, assume stable democratic structures that are often lacking in the export-cases.

This thesis is predominantly interested in post-violent conflict cases, which differ significantly from the archetypal examples addressed by the dominant theories of MC. Cyprus was used as a case-study to problematise the uncritical application of MC. It demonstrated how, in absence of empirical input, the application of a multicultural theory beyond its dedicated contexts can yield results that counter to the objectives of the theory. In the case of Cyprus, the oppression of minority cultures

through misrecognition would be enhanced with the unrevised application of Kymlicka's theory. The task undertaken in this thesis was to modify the theory in order to be applicable to Cyprus, and in doing so, to provide a base-model for further application to other post-violent conflict cases.

The process of modifying the theory for the purpose of making it applicable to such contexts is facilitated by the *Reciprocal Model*. The *Model* provides a systematic method for the re-examination of the foundational assumptions of a normative theory. Furthermore, it provides the conceptual tools necessary for the extraction of policy-relevant suggestions from normative political theories. The RM can facilitate the transition between the ideal and the non-ideal level in theories of MC. It can also facilitate other normative theories beyond the domain of multiculturalism; theories that aspire to provide practical action-guidance and who want to begin the transition from the ideal level of principles, to the non-ideal level of their application in contemporary societies.

This concluding chapter will reflect on the contributions made in this thesis. It will consider the implications of Kymlicka's theory following the criticism it received in the course of the thesis; the usefulness of the novel methodological approach developed for extracting action-guidance from abstract theories; and finally, it will consider the empirical implications for Cyprus in relation to the proposed model of multicultural citizenship. During the discussion, the implications of each contribution will be addressed, as well as the shortcomings of the solutions discussed in the thesis. The chapter and the thesis will be concluded with reflections on the future research agenda of this project, which aspires to expand across all three of its primary axes of interest.

8.1 Exporting Multicultural Citizenship

Kymlicka's theory was used as the basis for this thesis on the grounds that it is the most authoritative political theory of MC – one (a) that aims at providing practical action-guidance; (b) which aspires to be exported to other contexts, and (c) whose provisions have already been incorporated into the norms and rules of Intergovernmental Organisations.

Kymlicka's theory was challenged on three grounds: on its conception of culture; on its lack of a formal process of recognition; and on its ethnocultural bias. A new theory emerged out of the three criticisms, which was defended in the course of this thesis and in particular in chapter 6.

The first challenge to Kymlicka's theory was directed at his conceptualisation of culture. It was argued that cultural membership has a varying function in different people's lives and as such one should not assume cultural uniformity, neither should one treat cultural identities as superior to other individual identities. If cultures have a different function and prominence in different peoples' lives, then the view defended by Kymlicka that culture provides a context-of-choice for everyone should be rejected. The implication of this argument was that culture, contra Kymlicka's view, provides a context-of-choice for some but not for all. It was argued that a better way of defending group-differentiated rights to minority cultures is through an equality-based rather than an autonomy-based justification for cultural rights; one that maintains that individuals do not need to demonstrate the intrinsic value of their culture for cultural rights to be extended to them. The disparity between the rights and opportunities available to majority vis-à-vis minority cultures provide sufficient ground for the extension of these rights to minority groups.

The second challenge to Kymlicka's theory was that it lacks a formal process

of recognition. The central argument defended was that the tripartite classification of cultural groups suggested by Kymlicka and adopted by many others, where cultural groups are divided into national minorities, immigrant groups and aboriginal peoples, although defended on empirical grounds, leads to the oppression of minorities that do not fit within the typology. This implication of Kymlicka's lack of a formal process of recognition was demonstrated through examples from Cyprus, which illustrate (a) that in the absence of a formal process, the members of the majority societal culture drive the process of recognition resulting in the misrecognition of minority groups; and that (b) the nation-building endeavours of the majority can silence minorities, especially when the latter's identities trigger the security anxieties of the dominant majority. It was argued that in order to overcome this challenge a process of recognition should not be left in the hands and discretion of the dominant societal culture and should rather take place at the level of intergovernmental institutions, or be regulated by them under an international arbitration authority with powers of final judgment.

The third challenge to Kymlicka's theory was directed against its ethnocentricity. It was argued that ethnic identities should be irrelevant to the eyes of the liberal state. The example of the Cypriot Latins was used to emphasise the impact of multinationalist bias upon minorities – how Latins have been denied rights afforded to other national cultures solely on the grounds that they lack an attachment to a motherland. In presenting the case of the Cypriot Latins, a distinction was made between religious and secularist biases. It was argued that Kymlicka is only susceptible to the former, since his theory, in absence of a theory of recognition and in absence of a more elaborate typology of culture, can potentially reduce (through misrecognition) national groups to religious associations, thus denying them political rights that they would otherwise be eligible for. The implication of this challenge is that civic

nationalism is the only attractive model to structure a liberal multinational state.

The three shortcomings of Kymlicka's theory were illustrated through the examples found in the case of Cyprus. The revision of the theory and the creation of the civic multicultural alternative defended in this thesis became possible through the *Reciprocal Model*, provided insights into the transition from the ideal to non-ideal level, and for the formalisation of the process of extracting policy-relevant suggestions from abstract normative theories.

8.2 From Theory to Policy

Kymlicka's theory was developed in order to provide principled and policy-relevant suggestions to the challenges of diversity found in specific contexts. The archetypal challenges are the demands of the Québécois in Canada, the disputes over the legal status of Amish people in the US, the controversy over the Islamic Scarf Affair in France, the religious exemptions of Sikhs in the UK, the status of Turkish migrant workers in Germany, the claims of Aboriginals in Settler states and others.

The task undertaken in this thesis was to apply MC to contexts beyond these "dedicated cases." In exporting the theories that respond to the aforementioned specific problems the theorist must consider whether the principles developed in response to these problems can apply to the new export-cases. As such, this thesis diagnosed a shortcoming where a theory is needed for the evaluation of the foundational principled assumptions of ideal theories vis-à-vis the empirical realities present in export-cases. The *Reciprocal Model* was developed in order to overcome this challenge. It focuses on fact-sensitive ideal theories and incorporates a bottom-up verification allowing for empirical facts to directly influence the principles and/or the assumptions of abstract theories. The *Reciprocal Model* provided a step-by-step de-

tailed approach on how to extract action-guidance from ideal theories following three levels.

In the first most abstract level, a theory must take into account fundamental characteristics of human nature, in order to make sure that the duties that humans are burdened with are within the limits of their abilities. The aim of *level 1* is to avoid placing unreasonable demands on individuals.

In *level 2*, the social characteristics of the context to which the theory will be applied are taken into consideration and a detailed step-by-step procedure is outlined. The important aspect of this second level is its potential to alter the principles and assumptions outlined in *level 1*. This is important because it goes a step further than the Rawlsian view, where the move to the non-ideal can only limit the extent of the application of the ideal principles, as seen in §4.2 and §4.3.2.

Level 3 examines the relational positioning of different principles, and comprises of two different serial processes. In the first, the ideal principles of a theory are balanced against other desirable principles, to rank their importance and to make sure that they can co-exist. Autonomy vs. toleration has been discussed as an example of two principles central in every liberal society. The point of contention is not whether they should be present or not, but rather how far to apply each of them. Once the relational positioning is done and the principles are ranked, they are almost ready for application. The only thing left is to make sure that there are enough resources to do so, which is the second part of *level 3(b)*. The scarcity constraints are factored in and the principles of the theory are put alongside the other desirable principles (again), to determine whether they are feasible or worthy of application. This decision relies on the cost of the application of each principle and on the assessment of its importance made during the first part of *level 3*.

The RM opens up new avenues for political theory because it adds to the

growing literature on ideal and non-ideal theory with a novel approach that systematises the process by which ideal theories can provide guidance for action in real societies, as well as by providing the means by which to modify theories in order to apply them beyond the contexts of their inception. The advantage of the RM is that it enables the consideration of ideal-level assumptions in light of the empirical characteristics of each export-case. It is only through the methodological study of the transition to the non-ideal that a theory like that of Kymlicka's MC can be applied beyond its dedicated contexts.

The case of Cyprus was used in order to examine the adverse effects that would be generated from the application of Kymlicka's MC on the island without modifying its foundational assumptions. As it was demonstrated, in absence of revision, the application of the theory yields counterproductive results – the oppression of cultural minorities through misrecognition. As such, RM was developed to facilitate this process of modification of a theory. The RM is a tool that can be used beyond the literature of multiculturalism and beyond the case of Cyprus; it can be used in literatures where empirical challenges are subject to normative consideration, in order to facilitate the bridging of the ideal and non-ideal levels.

Nevertheless, the RM requires further study, specifically levels 2 and 3(a)(b). The steps involved in the transition need to be studied in order to detail the process whereby desirable principles are weighted against each other, and the process of calculating the opportunity cost of different principles in light of scarcity constraints. Moreover, additional work is required on crystalising the *kind* of action-guidance that can be extracted from these theories – whether the guidance can only have long-term application, as philosopher Adam Swift believes, or whether it is indeed possible, using the *Reciprocal Model*, to provide practical suggestions in the short term (policy). This temporal aspect of action-guidance in political theory has not been

addressed in the course of this thesis and is something that will be considered in future research in order to improve the model.

8.3 Multicultural Citizenship in Cyprus

Kymlicka's theory of MC has been revised after an internal critique based on the RM in order to facilitate its application beyond its original cases of interest. To facilitate this process, the *Reciprocal Model* provided the methodological backbone for the revision of MC in light of its application to the case of Cyprus. The culmination of theory and methodology, along with the study of cultural formation in Cyprus, allowed for the extraction of ten propositions that would improve the legitimacy of decision-making pertaining to the negotiations for a comprehensive solution to the Cyprus problem, as well as any multiculturally related policy-making. The propositions are based on the conclusions and normative arguments reached and defended in this thesis, and should be treated as the starting point for future discussion on the constitution of the reunified Cyprus, as well as for the development of multicultural policies.

Once the propositions are outlined three responses will be given on possible objections to the constitutional model defended in this thesis, which aspires to replace the unfavourable model of Bizonal Bicomunal Federation.

8.3.1 Ten propositions for Cyprus

1. *There is no need to prove why cultural survival is important in order to justify the allocation of group-differentiated cultural rights.* The demonstration of the preferential treatment of the dominant cultural group is enough to warrant the extension of those rights to national minorities. It is sufficient to demonstrate how the language

of the Greek Cypriots is promoted by the institution of the Republic of Cyprus in order to justify the claim of Maronites for language rights. The Maronites do not need to prove that language-rights add specific (and demonstrable) value to the survival of their culture or to their individual cultural members. This proposition shifts the burden of proof for the necessity of cultural rights away from the minority culture and focuses on the ability of the state to provide equal opportunities to its citizens.

2. *There is no inherent value to the survival of any of the national groups found in Cyprus or elsewhere.* Their value is dependent on the benefit of their members. This proposition dispenses with the notion that the constitution of the Republic of Cyprus must guarantee the survival of the cultural or ethnic groups found on the island. As such, it puts emphasis on the constitution as a value-driven foundation for the new state rather than as a framework that aims to facilitate the survival of specific ethnic and cultural associations. Based on this proposition, the constitution must not include references to the ethnic identities of the national groups, dispersing with lists of solidified attributes that make up idealised conceptions of such cultures.

3. *Cultural travelling should not be discouraged by the state.* Members of minority cultures should be free to disassociate from their culture, join a different one, and generally, their blood-ties should be secondary to the exercise of their agency regarding their cultural membership or allegiances. The equality-based justification for cultural rights – that national minorities are entitled to group-differentiated treatment to counter the preferential treatment that the dominant societal culture enjoys – does not mean that individuals should be conceptually locked in their cultures; rather, it means that they should be given the option to flourish within their culture, without being necessarily expected to do so.

4. *Rights should be given to individuals in order to pursue individual identities that are important to them.* Individuals who have been restricted rights that

were afforded to members of the dominant societal culture are disadvantaged on the grounds of equality. Given that the principal value underpinning the proposed theory is equality of opportunity, state-led action is needed to ameliorate the aforementioned injustice. This is why the state has a duty to promote the history of minority national groups – because the members of the dominant minority culture enjoy this right solely on the merit of their being the members of that culture. There is no burden of proof for the value of teaching the history of a culture (as per our example) to justify why it should be extended to minority groups, given that this is a right already enjoyed by the members of the dominant culture on the grounds of their membership to that culture.

5. *The application of the principle of equality will be curtailed by other considerations.* In such cases it might be more appropriate to restrict a practice exercised by the majority rather than extend that to the minorities as well. The typical example is freedom of religion of parents and their children. The fact that Christian Orthodox priests have almost untethered access to state schools of the Republic of Cyprus is not a right that should be extended to the rest of the national cultures of the island, because the rights that the majority enjoys violates other liberal values. As such, the duty of the state to safeguard liberal values trumps its duty to maintain equality of opportunities between cultural members. Or rather, the way to maintain the equal opportunity of access to one's religion, is not to extend access of clerics of all religions to state schools, but rather, to restrict it to all. As such, the principle of equality of opportunity can, in certain instances where core liberal values are challenged, be met with a blanket ban of a practice formerly practiced by a single culture.

6. *The self-identification of national minorities should take precedence over the perceptions of the dominant culture.* In cases where liberal values are not challenged, like in the teaching of one's cultural history in state schools, then there is a duty to

include the history of minorities in the textbooks and in the national curriculum, in a way that is accepted by the members and intellectuals of those cultures – not like it is currently the case in Cyprus where the historiographies and the length of the reference to minority groups in history books depend on whether they challenge the dominant narrative of the Greek Cypriots.

7. The rights that members of minority cultures should be afforded in relation to the rights enjoyed by the majority, do not differ in the least to the rights that, say, a gay couple would demand in relation to the rights of heterosexual couples. The decisive factor in both cases is the privilege enjoyed by one group that is being denied to the other, and the unjust structures that maintain and/or reinforce the asymmetry of treatment, which restricts the opportunities of the minority group, triggering the equality-driven obligation for state action.

8. Multicultural Constitutionalism with an internationally facilitated process of recognition can overcome the security concerns often present in post-violent conflict cases. In focusing on the values of liberal pluralism, multicultural constitutionalism becomes an attractive model for many countries, Cyprus included, whose national identities are a subject of political turmoil, because it puts cultural conflict beyond the domain of the constitution. Under the proposed model it is no longer necessary for cultures to prove the utility of their cultural context, thus overcoming the need to provide antagonistic accounts of their cultural identities.

9. Cultures are not homogeneous entities – they are fractions of people's collection of identities and as such should be granted equal, not preferential, attention. This has the implication that individuals who hold in high esteem identities beyond the ethnic bundle, will no longer be victims of the exceptional treatment of ethnic identities. To demonstrate how exceptionalising ethnicity can oppress people's whose other identities – in this case sexuality – counter the ethnic narrative, the case of

the Cypriot Alecos Modenos is useful. Modenos, a gay-rights activist, was the first person to take the Republic of Cyprus to the European Court of Human Rights for the unequal treatment of gay citizens. Modenos was subsequently perceived and treated as a threat to the survival of the ethnic identity of Greek Cypriots because he challenged its most important pillar, the Christian Orthodox religious identity. Modenos was repeatedly and very publicly denounced by the church of the religion of the dominant culture, whose clerics have, to this day, nearly untethered access to state schools. Modenos was thus discriminated against for believing that his sexual identity was more important (and in contradiction) to his ethnic identity, the latter of which is promoted and guaranteed by the Republic of Cyprus.

10. *Loyalty to the state does not mean loyalty to any cultural group.* The acceptance of this proposition encourages a sense of constitutional patriotism detached from notions of blood-ties that currently underpin any discussions of loyalty to the state. Under the proposed value-driven constitutional patriotism, the emphasis shifts away from narratives of entitlement tied to specific conceptions of identities pertaining to one ethnic group, towards a more cosmopolitan conception of membership to a state, driven by a commitment to liberal values.

8.3.2 Responding to Three Objections

Three issues arise as possible first-instance objections to the constitutional model that is summed up in the ten points listed above, which aims at the replacement of bicomunalism with multiculturalism. The first two are theoretical and the third practical and requires further unpacking.

The first objection is the following: how would cultures be recognised if the identities that make-up the ethnic whole which constitutes their culture becomes

irrelevant to the state? In other words, if ethnic identities do not matter, wouldn't ethnic cultures be themselves victims of misrecognition? This question rests on confusion about the distinction between the recognition of a culture and the distribution of cultural rights to the members of a culture. A culture as an entity is recognised through the common identities of their individual members. As such, it would not be surprising if cultures were recognised for their ethnic identities – they would be recognised as associations of people with common identities, one of which is a motherland and an allegiance to an imaginary community that goes beyond the state-borders and possibly transcends time. Nevertheless, the existence of these ethnic identities will not be relevant for the allocation of rights to cultural members. The fact that allegiance to a motherland is conducive in identifying cultural groups, does not mean that any rights should be allocated on those grounds. To illustrate the utility of the disassociation of ethnicity and nationality, one must look not on whether old-migrant ethnic groups will be recognised as national cultures, but rather what would happen to the groups that exhibit such characteristics commonly found in national cultures but nevertheless have no ethnic attachment. According to the view defended in this thesis, the latter non-ethnic cultural group will be entitled to no less rights than that of the ethnic groups, provided that their other identities are comparable.

The second objection is that which maintains that this thesis is not providing a coherent list of rights that minority cultures are entitled to, and rather relies on the injustices that they suffered in order to generate retributive policies that then form a theory of multicultural citizenship. The motivation behind a theory of MC is to protect minorities against assimilation resulting from the privileged status and treatment of majority groups. The origins and the manifestation of that privilege vary, and to assume a uniform structure of cultural oppression would be wrong. In Cyprus, for

instance, one can trace the origin of cultural disadvantage of non-dominant minority groups to the British-led introduction of nationalism with the upgrade of social divisions from religious, as they were during the Ottoman Empire, to ethnic. One can also identify the manifestation of that privilege in the institution of the 1960s constitution. Other countries of the commonwealth face similar challenges, but it does not mean that a theory of MC can be structured on top of a single example. Instead, it should be able to address other structures of injustice that exist in different parts of the world – from the caste system in India, to the post-Soviet Union Ukraine, to Israel's occupation of Palestine, and to the Muslim population in Greece – a diverse theory is needed, equipped to identify the sources of injustices, rather than try to interpret the different manifestations of privilege in light of those found in the West in response to which the dominant theories of MC have been developed.

The third objection that a critic might put forward is the following: the potentiality for action-guidance relies on the premise that the main parties involved will likely accept the policy-implications of the theory; in the case of Cyprus this is unlikely because of the securitisation of national identities. In other words, the security concerns of the locals will prohibit the change in direction on the Cyprus problem defended in this thesis. This objection can be refuted on four grounds. Firstly, on its lack of empirical evidence. Secondly, on its mistaken assumption that public attitudes remained the same vis-à-vis the solution. Thirdly, because it omits the benefits of a negotiating framework that diverges from the Annan Plan and therefore does not trigger the security concerns associated with it. Finally, because it overlooks the new economic realities of the island, which favour cooperation between Cyprus and Turkey.

The changing landscape can be observed both at the level of political elites and in the civil society. Opinion polls suggest that in the post-Annan period both Greek-

and Turkish-Cypriots consider the solution to the Cyprus problem a highly unlikely outcome.¹ At the level of political elites, there has been a decline in the bargaining position of the GC leadership. For instance, in 1979, the return of Varosha was treated as a token of good faith for the participation of the GCs in the negotiations,² whereas post-2004, GCs are facing unfavourable rulings from the ECtHR as an indirect effect of their vote against the Annan Plan.³ The sense of security of the GCs relied on the Resolutions of the UN and in the rulings of the ECtHR, which are no longer guaranteed. As such, the security concerns generated from the lack of progress in the negotiations and from the shift in the international landscape will, contrary to the objection, be eased with a new negotiating framework.

At the same time, the stalemate, indicative of the urgency of change in the negotiations, is reinforced by the electoral results in both the RoC and the TRNC, which necessitate a shift away from a solution reminiscent of the Annan Plan. Dr Dervis Eroğlu, a hardliner, was elected to the leadership of the north, having suc-

1. "A majority of the Greek Cypriot community would like to see the peace process being concluded successfully and leading to a Comprehensive Settlement while a majority of Turkish Cypriots similarly espouses the same goal. However, respondents have very little faith there will be a breakthrough." See Interpeace and Cyprus 2015 Initiative, *Solving the Cyprus Problem: Hopes and Fears*, <http://www.seedsofpeace.eu/research/cyprus-peace-process/reports/item/37-solving-the-cyprus-problem-hopes-and-fears>, 2011, 11

2. See Farid Mirbagheri, *Cyprus and International Peacemaking* (London: Routledge, 1998), 91-92 and Frank Hoffmeister, *Legal Aspects of the Cyprus Problem: Annan Plan and EU Accession* (Leiden: Martinus Nijhoff Publishers, 2006), 71.

3. According to Ronen: "In *Demopoulos and Others v. Turkey* (2010), the ECtHR for the first time considered the 'general context' of the conflict in which the property claims arose, including the Annan Plan. Particularly the protraction of the conflict was crucial to the court's determination that the 2005 IPC Law is an adequately effective local remedy, despite the fact that it does not guarantee reinstatement of property. The court did not explicate how the plan is relevant to its ruling, but its citation of the provision of the plan that parallel the 2005 IPC Law suggests that it uses the Annan Plan as a yardstick by which to measure the adequacy of the redress mechanisms in the 2005 IPC Law. Indeed, in some respects the priority of reinstatement over compensation is more stringently protected under the 2005 IPC Law than under the Annan Plan. Thus, while formally the Annan Plan is not binding on any party, its content appears to be the baseline for informing the legitimacy of TRNC actions. Since what the ECtHR now acknowledges as valid under the *Nambia* exception will likely survive the process of transitions, the Annan Plan has in effect already prejudged the future arrangements in Cyprus." See Yaël Ronen, *Transition from Illegal Regimes under International Law* (Cambridge: Cambridge University Press, 2011), 306-307.

ceeded Mehmet Ali Talat, who was considered to be the most likely person to reach an agreement on a solution to the Cyprus problem, especially given that Demetris Christofias, an ideological ally of Talat and a politician with similar pro-unification outlook was president of the RoC. Following their failure to reach a solution, Eroğlu was elected as leader of the TCs and Nicos Anastasiades as president of the RoC. In 2004 Anastasiades managed to persuade his party to support the YES vote to the Annan Plan referendum but his party-base did not follow the direction of its leadership, and the majority voted NO. In 2014 the negotiations are still based on the framework of the Annan Plan, which was rejected and adamantly opposed by the overwhelming majority of GC parties. It is thus imperative to find a solution that does not trigger the security concerns associated with the Annan Plan, and the model defended in this thesis can be an attractive alternative, thus challenging the objection that a shift in the negotiations will trigger the security concerns of the locals.

The political landscape has changed in areas besides the Cyprus problem. According to the latest research, a solution to the Cyprus problem will secure the economic prosperity of both Greek- and Turkish-Cypriots,⁴ which is currently under threat – the GCs experienced a slump in their standard of living post-March 2013 and the TCs are under strict austerity by Turkey.⁵ At the same time, reserves of oil and natural gas were found in Cyprus, but they are not enough to make worthwhile the

4. Fiona Mullen, Alexander Apostolides, and Besim Mustafa, *The Cyprus Peace Dividend Revisited: A Productivity and Sectoral Approach (PCC Report 1/2014)* (Nicosia: Peace Research Institute Oslo (PRIO), 2014).

5. The Greek Cypriot community is no longer prosperous in comparison to the Turkish Cypriot community. Following March 2013, one of the two productive sectors of the economy was destroyed after the decisions taken at the Eurogroup meeting of that month, which led to the near collapse of the financial system, already struggling after the haircut of the Greek sovereign debt Alexander Apostolides, "Beware of German gifts near elections: how Cyprus got here and why it is currently more out than in the Eurozone," *Capital Markets Law Journal* 8, no. 3 (2013): 300–318; Athanasios Orphanides, "The Euro Area Crisis: Politics over Economics," *Atlantic Economic Journal* 42, no. 3 (2014): 243–263; Alexander Michaelides, "Cyprus: from Boom to Bail-in," *Economic Policy* 29, no. 80 (2014): 639–689.

investment in a Liquefied Natural Gas (LNG) export terminal.⁶ According to Fiona Mullen, the most cost-efficient way to export the natural gas is through Turkey. There are, therefore, sufficient economic incentives to support the paradigm shift defended in this thesis, and ample potential to reignite the hopes of Cypriots for the possibility of a viable solution; one that dispenses with the concepts that trigger the security anxieties of the locals (like BBF) and that is conducive towards their economic security – an issue that tops the political agenda of valence issues, as illustrated in the latest Eurobarometer data.⁷

8.4 Moving the Research Forward

This research contributes to three primary domains; to the theorisation of multicultural citizenship, to methods in political theory, and to the case of Cyprus. It stands to reason that the evolution of this project relies on collaborations across all three domains of interest. In crossing multiple disciplines, the research is not only able to use the tools and the knowledge available in these disciplines, but also to contribute to literatures beyond those of political theory and Cyprus. The most notable example is how this project speaks to International Relations and Security Studies, as well as to Constitutional Law and Conflict Resolution. To this end, the future of this work depends on the continuation of its research agenda, across and beyond the three main domains of interest. Below, the future research plans for the three core aspects of this project – theory, methodology, Cyprus – will be outlined, as well as

6. Ayla Gürel, Fiona Mullen, and Tzimitras Harry, *The Cyprus Hydrocarbons Issue: Context, Positions and Future Scenarios (PCC Report 1/2013)* (Nicosia: Peace Research Institute Oslo (PRIO), 2013); Fiona Mullen, *What's the net present value of peace?: Cyprus' natural gas export options*, http://www.stratainsight.com/stratain_vlen/ds/assets/files/FionaMullenNetPresentValueGas_131125.pdf, 25 November 2013.

7. European Commission, *Eurobarometer 80: Public Opinion in the European Union*, http://ec.europa.eu/public_opinion/archives/eb/eb80/eb80_en.htm, Autumn 2013.

plans on how to extract the theory to other cases.

8.4.1 The Theorisation of Multicultural Citizenship

The literature on multiculturalism is at an infant state in relation to its international application. As such, there is fertile ground for the further development of the theory presented in this thesis. In particular, the suggested process of recognition needs further study to provide a concrete outline of the design of the institutions that will facilitate it. In the course of this thesis, the discussion was limited to the justification of the necessity of this process, but there was little engagement with the theoretical underpinnings and practical dynamics of the process. It therefore stands to reason that the theoretical evolution of the theory of MC defended in this thesis is to examine the principles that will guide the international process of recognition, which will enable the extraction of guidance pertaining to its practical dynamics. In other words, it is only after the development of a principled justification of the internal aspects of the process of recognition that we will be able to understand how it can be implemented in real societies and within existing IOs. Thus, the first future objective of this research pertaining to theories of MC is to develop the principles that will ground the process of internationally-facilitated recognition.

The second future objective relevant to the theorisation of MC is to develop a typology of culture that reflects the cultural realities in post-violent conflict cases. This thesis provided the theoretical insight to reject the tripartite distinction adopted by Kymlicka in favour of a non-essentialist conception of culture that dispenses with solidified notions of common belonging. Nevertheless, it refrained from providing a satisfactory typology of culture which could, in time, replace the one provided by Kymlicka. This will be the second objective for the future of this research in relation

to the theorisation of MC. To achieve this objective more empirical cases will be researched, allowing for the creation of a comprehensive map of cultural experiences, with specific emphasis on cases where cultural identities are subject to political conflict.

8.4.2 Methods in Political Theory

The methodology of political theory is the second of the three primary domains of interest of this thesis. The development of the *Reciprocal Model* provides insights into the extraction of practical action-guidance from ideal theories for the purpose of applying them to diverse cases. The RM needs further study in order to provide details on each of its three steps. In particular, it needs to be refined in relation to the balancing of different desirable principles and in relation to the process of the distribution of resources. This latter task necessitates further work on the prioritisation of principles and on the way their opportunity costs are calculated.

To achieve these objectives the *Reciprocal Model* must be put to test on problems and literatures beyond multiculturalism in order to test, modify and fine-tune it. Two attractive cases for testing the assumptions of the *Model* are environmental justice and the ethics of the family. The RM can be used to facilitate the process of deciding the distribution of the costs of mitigation against the adverse effects of climate change, through the examination of the non-ideal application of the principles that guide the distribution of these costs. Moreover, it can help with the literature on the adaptation to climate justice. It can, for instance, provide insights into the trade-offs involved when minority cultures are forced (or are required) to abandon their ways (or places) of life in adapting to the realities of climate change. The employment of the RM for the purposes of environmental justice will test the model,

which will enable its modification based on the input that will be generated from its application.

Another application of the RM for the purpose of testing its assumptions is the case of familial ethics. This literature is suitable for the consideration of the ideal to non-ideal transition because of the recent work done in providing principled responses to contemporary dilemmas like, for example, “under what conditions is it morally permissible to send one’s child to a private school?”⁸ Whereas the principles are sophisticated and well-argued, there is a long way before they can be applied in real societies by actual parents. Private schools will not likely be abolished any time soon, and parents will scarcely do the “moral thing,” when given the option to enhance the future prospects of their offsprings. Given the gap between the ideal principles and their non-ideal application, the RM can be used to consider how suggestions can be extracted from these theories that will be applicable in real societies. In doing so, the *Model* will be tested and its assumptions will be revised based on the feedback it will receive.

8.4.3 The Case of Cyprus and Beyond

The theoretical discussion of multiculturalism and the methodological discussion of political theory have been provided on the back of the case of Cyprus. The case had a dual function in this thesis. The first was to draw examples to support the theoretical arguments made – a theory-centric function. The second was to provide normative support for the desecuritisation of Cyprus through moving away from the ethnically-based model of Bizonal Bicomunal Federation, in favour of a multicultural rights-

8. For example, Adam Swift, *How not to be a Hypocrite: School Choice for the Morally Perplexed Parent* (London: Routledge, 2003); Harry Brighouse and Adam Swift, *Family Values: The Ethics of Parent-Child Relationships* (Princeton: Princeton University Press, 2014); Matthew Clayton, *Justice and Legitimacy in Upbringing* (Oxford: Oxford University Press, 2006)

based constitution. The future aspirations of this research in relation to Cyprus is to contribute to the case and to the literature on securitisation and desecuritisation.

In the case of Cyprus, the next step is to produce policy briefs that will enable policy-makers to benefit from the civic multicultural model developed and defended in this thesis. The nature of this project is such that requires further collaboration with experts in the fields of Constitutional Law, International Relations, Security and the European Union. The objective of these collaborations will be the application of the multicultural model to Cyprus, with concrete suggestions that will assist in overcoming the post-2004 stalemate through an alternative constitutional arrangement that disperses with the embeddedness of ethnic identities at the level of the constitution. The practical application of the theoretical model defended in this thesis, will also benefit the other two domains of interest – the theory and the *Reciprocal Model* – by providing feedback for their improvement.

The know-how that will be acquired through the practical application of the theory to the case will be beneficial to different disciplines and conducive to the further application of the theory. More specifically, it will benefit those working on Conflict Resolution in Cyprus and elsewhere, the Securitisation and Desecuritisation literatures and, finally, those interested in institutional design of rights-driven IOs.

The aspiration for this research is that it will be able – grant(s) permitting – to be exported to additional challenging cases in Eastern Europe and elsewhere; from Moldova, Georgia, Kosovo and Ukraine, to more “traditional” cases like Israel and Palestine, which all require diverse solutions to the varying (cultural) conflicts they face.

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